



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.7697 of 2022

S.Dinesh Kumar

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Dhally Police Station,
Tiruppur District.
(Crime No.20 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the case in Crime No.20 of 2022 on the file of the respondent police.

For Petitioner : Mr.D.R.Arun Kumar

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who was arrested for alleged offence under Section 297 and 304(II) of IPC in Crime No.20 of 2022, on the file of the respondent police, seeks bail.

2.This petitioner was arrested on 26.01.2022 for rash and negligent driving causing the death of the two persons. Earlier, when the bail petition was moved, this Court dismissed the petition on the ground that the investigation has not been completed and if the petitioner is released on bail, the possibility of tampering the witness and distorting the evidence is apprehended.



3. The learned Additional Public Prosecutor appearing for the respondent submits that the investigation is substantially completed and blood test of the petitioner is awaited. Considering the said fact, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court No.2, Udumalpet.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to report before the Investigation Officer as and when required.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
04/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.2, UDUMALPET.



2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DHALLY POLICE STATION,
TIRUPPUR DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. D.R.ARUN KUMAR Advocate on payment of necessary
charges SR.NO.5077

CRL OP.7697/2022

Date :04/04/2022

JPA 05/04/2022