



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.7509 of 2022

Samraj

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Kelamangalam Police Station,
Krishnagiri District.
(Crime No.51 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 Crime No.51 of 2022 on the file of Respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

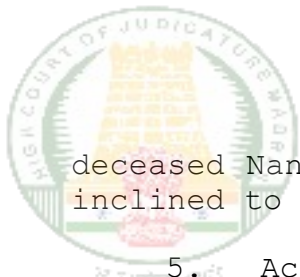
O R D E R

The petitioner, who was arrested and remanded to Judicial Custody on 13.03.2022 for the offences punishable under sections 174 of Cr.P.C @ under Section 304(ii) of IPC in Crime No.51 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner herein was riding his two wheeler with one Nandakumar in a drunken state was arrested on 23.02.2022, since the said Nandakumar fell down from the two wheeler and died.

3. The case of the prosecution is that, the petitioner under whom the deceased was working as a mason was forcibly taken by the petitioner in his two wheeler to working spot on the way, knowing well that he is in drunken state and not fit for doing any work on the way to the working spot the deceased fell down from the two wheeler and died. Hence, the case was earlier registered under Section 174 Cr.P.C and after the investigation it was altered into Section 304(ii) of IPC.

4. Taking into consideration, the nature of incident for which the petitioner of his negligence and causing death of the



deceased Nandakumar and the stage of investigation, this Court is inclined to grant bail to the petitioner

5. Accordingly, 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 District Munsif cum Judicial Magistrate, Denkanikottai;

(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 shall report before the Investigating Officer as and when required for interrogation.

(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/-

31/03/2022

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.



1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
DENKANIKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KELAMANGALAM POLICE STATION,
KRISHNAGIRI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI

CC to M/S. M.JAYACHANDRAN Advocate on payment of necessary
charges Sr.4936

CRL OP.7509/2022

Date :31/03/2022

RVR 31/03/2022