



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2022

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.7816 of 2022

Settu

.. Petitioner

Vs.

The State rep. by
The Inspector of Police,
Ammamet Police Station,
Salem District.
(Crime No.123 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.123 of 2022 pending investigation on the file of the respondent police.

For Petitioner : M/s.S.Sengkodi

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

O R D E R

The petitioner, who was arrested for the alleged offences under Sections 279, 338, 304 of IPC altered to Section 279, 338, 304 of IPC and 185 of M.V. Act in Crime No.123 of 2022, on the file of the respondent police, seeks bail.

2. The petitioner herein, the driver of the lorry, due to his rash and negligent driving on the wee hours at 11 p.m. on 28.02.2022, had dashed against the two wheeler causing the death of one Prabhakaran and injury to the pillion rider Chandru. The petitioner was found to be in drunken state, while he was driving the lorry. He has crossed the lane and hit the two wheeler coming on the opposite side keeping left. The petitioner was arrested on 01.03.2022 and he is in prison for the past 35 days.

3.Learned Additional Public Prosecutor appearing for the respondent states that the investigation is still pending.



4.Considering the nature of the offence alleged to have been committed by the petitioner herein, this Court is of the view that the petitioner may be granted bail. 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Salem;

(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 Investigating Officer daily at 10.30 a.m. until further orders;

(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/-

05/04/2022

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.V, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]



3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SENGKODI Advocate on payment of necessary charges
SR.NO. 5162

CRL OP.7816/2022

Date :05/04/2022

RW 06/04/2022