



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Tenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12738 of 2022

1 MURUGAN

[PETITIONERS / ACCUSED]

2 RAJA @ PARANTHAMAN

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.
CRIME NO.108/2021.

For Petitioner : M/S.E.SATHIYARAJ Advocate

For Respondent : M/S.V.J.PRIYADARSANA, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under **Sections 279, 337, 304(A), 379 & 430 of IPC r/w Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957** in Crime No.108 of 2021, seeks anticipatory bail.

2. The case of the prosecution is 02.04.2021, at about 10 a.m, when the defacto complainant's husband was driving a two wheeler along with the defacto complainant and their child, a lorry which was loaded with sand, driven by one Selvam/A1, came in the opposite direction in a rash and negligent manner and dashed against the two wheeler due to which, the defacto complainant's husband and her child died on the spot. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in this case since they are the owners of the Lorry and they are no way connected with the offence



alleged to have been committed by A1. He would further submit that the petitioners names are also not found in the FIR. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would submit that initially the case was registered for the offences under Section 279, 337 and 304(A) of IPC against A1 and after enquiry, it was altered into Sections Sections 279, 337, 304(A), 379 & 430 of IPC r/w Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 and subsequently, the petitioners were arrayed as A2 and A3. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Admittedly, A1 has driven the lorry and committed the offence. As far as petitioners are concerned, they are the owners of the lorry. Considering the facts and circumstances of the case, the custodial interrogation of the petitioners are not required. Hence, this Court is inclined to grant Anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned District Munsif cum Judicial Magistrate, Kalasapakkam, Thiruvannamalai District**, on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two blood sureties** each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m, for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

10/06/2022

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KALASAPAKKAM,
THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S.E.SATHIYARAJ Advocate on payment of necessary charges SR.NO.8850

CRL OP.12738/2022

Date :10/06/2022

TA-21/06/2022