



CrI.OP.No.17633 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.OP.No.17633 of 2022

Vinoth Victor

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Vellankanni Police Station,
Nagapattinam District.
(Crime No.234 of 2022)

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.234 of 2022 pending
investigation on the file of respondent police.

For Petitioner : Mr.T.Raj Kumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 06.07.2022 for the offences punishable under Section 307 and
302 of IPC in crime No.234 of 2022 on the file of the respondent police,



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seeks bail.

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2. The case of the prosecution is that due to previous enmity, the *de-facto* complainant and his friend Madan Karthik chased the petitioner's car. At that time, the petitioner car hit the *de-facto* complainant and his friend, where the *de-facto* complainant's friend died. Hence, the case.

3. Even according to the case of the prosecution, the deceased and the *de-facto* complainant with intention to threaten the petitioner, when the petitioner along with his wife and driver went to the hospital for treating the injury sustained by the petitioner at Nagapattinam Government Hospital and while returning from the hospital, waylaid by the *de-facto* complainant and the deceased and they threatened them with dire consequences and also attacked the petitioner through the window glass. Therefore, the petitioner had sustained grievous injuries on his eye. Immediately after the attack on the petitioner, the driver got down from the car and ran away. Therefore, the petitioner had taken the car to escape from the *de-facto* complainant's attack. Even then, the *de-facto*



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complainant attacked the petitioner while he was driving the car and as such, the petitioner lost his control and hit the two wheeler, which was rode by the *de-facto* complainant and the deceased in rash and negligent manner adjacent to the car. Therefore, the deceased sustained injuries and died. The *de-facto* complainant also got injuries. At the worst, only the offence under Section 304A of IPC would attract and there is no iota of evidence to attract the offence under Section 302 of IPC. That apart, the petitioner is even now taking treatment for the injuries sustained by him on his eyes.

4. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e.06.07.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-I, Nagapattinam**, and on further conditions that:

[a] 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 petitioner shall report before the respondent police



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as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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.

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mpl



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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate-I,
Nagapattinam.
- 2.The Inspector of Police,
Vellankanni Police Station,
Nagapattinam District.
- 3.District Jail,
Nagapattinam.
- 4.The Public Prosecutor,
High Court of Madras

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