



Crl.O.P.No.22390 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22390 of 2022

T.Vignesh

... Petitioner

Vs.

The State represented by,
Inspector of Police,
Traffic Investigation Wing (TIW) J2-Adyar,
TIW East, Chennai.
(Crime No.361 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail in Crime No.361 of 2022,
on the file of the Respondent Police.

For Petitioner : Mr.N.Chandra Sekaran

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner/accused, who was arrested and remanded to judicial custody on 31.08.2022 for the offences punishable under Sections 308 and 114 of IPC and Sections 184, 185 and 188 of the Motor Vehicles Act, 1988 which was altered as offences under Sections 304 (ii) and 114 of IPC and Sections 184, 185 and 188 of the Motor Vehicles Act, 1988 in Crime No.361 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 31.08.2022, the petitioner on knowing well that it will be dangerous for the public and pedestrians on the road, had driven the car under the influence of alcohol, in a rash and negligent manner and hit the auto rickshaw owing to which, the driver of the auto rickshaw sustained grievous injuries and succumbed to death on the next day. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a Mechanical Engineering Graduate, who is looking for a job. He would further submit that on 31.08.2022 at about 5.00 a.m., the



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petitioner's car dashed into the auto rickshaw coming in a wrong side, while turning rightwards onto Gandhi Mandabam Road from Riverview Road and resulting in the accident. He would also submit that the petitioner and the co-accused immediately called 108 ambulance and sent the victim to the hospital but unfortunately, he died on the next day and the petitioner was arrested on 01.09.2022.

4. The learned counsel would submit that the petitioner there is a huge blind spot, coupled with the early morning negligible traffic which caused the Auto driver to drive his vehicle onto the path of the car and which caused the accident and he would also submit that the petitioner was not under the influence of alcohol and the false complaint was registered against the petitioner, as if the petitioner was under the influence of alcohol and he would also submit that there was no intention or any motive to cause death of the victim and it is only a case of accident. He would further submit that the co-accused was granted bail by the learned Principal Sessions Judge at Chennai by order dated 06.09.2022 in Crl.M.P.No.16292 of 2022.



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5. Learned Counsel for the petitioner would submit that the wife of the deceased had pre-deceased him and he has three children, who are his legal heirs and the petitioner without prejudice to his defence is ready to pay rupees 1 lakh, as ex gratia payment to each of the legal heirs of the deceased/victim, which is exclusive of any other legal claim the legal heirs of the deceased are entitled to. He would also submit that the petitioner is prepared to comply with any stringent condition imposed by this Court and he prays for grant of bail to the petitioner.

6. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with the other accused, who were under the influence of alcohol, has driven the car towards to the left of pedestrians and passers-by and dashed against the auto rickshaw, in which the driver of the auto rickshaw sustained with grievous injuries and later succumbed to death on the next day. He would also submit that the investigation is pending and therefore, he vehemently opposed to grant bail to the petitioner.



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7. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the FIR.

8. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and the period of incarceration undergone by the petitioner and also taking note of the undertaking given by the petitioner that without prejudice to his defence, the petitioner is ready to pay a sum of Rs.1,00,000/- as ex gratia amount to each of the legal heirs of the victim, this Court is inclined to grant bail to the petitioner.

9. Accordingly, the petitioner is ordered to be released on bail on condition that he makes a deposit of **Rs.3,00,000/- (Rupees Three Lakh only) to the credit of the Crime Number**, without prejudice to his rights and contentions before the Court concerned and on such deposit, the petitioner is ordered to be released on bail on his executing a bond for



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a sum of **Rs.50,000/- (Rupees Fifty thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned IV Metropolitan Magistrate, Saidapet, Chennai** 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 daily at 10.30 a.m., and 05.30 p.m., for a period of three (3) weeks, and thereafter, every Saturday at 10.30 a.m., until further orders;

[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]*;



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[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

[g] The learned Magistrate is directed to issue summons to the legal heirs of the deceased through the respondent police and shall conduct an enquiry and disburse the amount of Rs.1,00,000/- each to the legal heirs, subject to furnishing the proof.

19.09.2022

nst/ham

To

1. The IV Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
Traffic Investigation Wing (TIW) J2-Adyar,
TIW East, Chennai.
3. The Sub Jail,
Saidapet, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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