



Crl.O.P.No.25701 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

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

Crl.O.P.No.25701 of 2022

Santhosh

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Thirumurugan Poondi Police Station,
Thiruppur City.
(Crime No.789 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.789 of 2022 on the file
of the respondent Police.

For Petitioner : Mr.V.S.Usharani

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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CrI.O.P.No.25701 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.10.2022, for the offences punishable under Sections 279, 337, 304(A) and 304(II) of IPC, in Crime No.789 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant, Sheeladevi is that on 12.10.2022, while she along with her husband and children were going in a two wheeler, the accused had driven a car bearing registration No.TN 37 CM 6166 in a rash and negligent manner knowing well that it would endanger the safety of the others life and had dashed against them resulting in the death of her husband and causing injuries to the defacto complainant and her son. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and it is not a case of drunken drive. He would also submit that the incident is stated to have happened during night hours and the petitioner was not rash and negligent and there was heap



Crl.O.P.No.25701 of 2022

stones on the side of the road and thereby, he turned right and the defacto complainant and her husband had come into the middle of the road, resulting in the accident. He would further submit that the petitioner, had no intention to cause injuries to the defacto complainant or cause death of the defacto complainant's husband. He would also state that the petitioner without prejudice to his defence, is ready and willing to make an exgratia payment of Rs.3,00,000/- in favour of the legal heirs of the defacto complainant. He would further submit that this amount is paid only as an exgratia amount and the petitioner has no objection in the defacto complainant filing appropriate petition before the proper forum for receiving the compensation towards the death of her husband and injury sustained. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner had driven the car in a rash and negligent manner knowing well that it would endanger the safety of the other pedestrian and dashed against the victim resulting in his death. Therefore, he vehemently opposed to grant bail to the petitioner.



CrI.O.P.No.25701 of 2022

WEB COPY

5. Heard both the learned counsel and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also taking note of the undertaking given by the petitioner to make an exgratia payment of Rs.3,00,000/- in favour of the legal heirs of the deceased, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is directed to deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the credit of the Crime No.789 of 2022 before the trial Court and on such deposit, the petitioner is ordered to be released on bail on his executing 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, Avinasi**, and on further conditions that:



CrI.O.P.No.25701 of 2022

[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., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders;

[c] the learned Magistrate shall issue notice to the legal heirs of the deceased and release the amount in their favour;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]**;



CrI.O.P.No.25701 of 2022

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

20.10.2022

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To

1. The Judicial Magistrate,
Avinasi.
2. The Inspector of Police,
Thirumurugan Poondi Police Station,
Thiruppur City.
3. The Sub Jail, Avinasi.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.25701 of 2022

A.D.JAGADISH CHANDIRA., J.

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Crl.O.P.No.25701 of 2022

20.10.2022