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CRL.O.P.No.27053 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.27053 of 2022

L.Stanly Jones,
Son of Lawrence,
No.28, Balamurugan Nagar,
Mangalapuram, Mangadu,
Chennai-600 122.

... Petitioner

Versus

State by Inspector of Police,
R4, Pondy Bazzar Police Station,
Traffic Investigation Wing,
T.Nagar, Chennai – 600 017.
(Crime No.245/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail in Crime No.245 of 2022, on the file of the Inspector of Police, Traffic Investigation Wing (TIW) R4, Pondy Bazzar Police, Chennai – 600 017.

For Petitioner : Mr.S.Thanka Sivan

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



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ORDER

The petitioner, who was arrested on 16.10.2022 and remanded to judicial custody on 17.10.2022, for offence under Sections 279 & 304(2) of IPC and Section 185 of the Motor Vehicles Act, 1988 in Crime No.245 of 2022, on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 16.10.2022, at about 01.30 p.m., when the mother of the defacto complainant Valli (deceased), a resident of Thayalan Nagar, Kodambakkam was walking in Sivan Kovil Street, Kodambakkam, which is a narrow lane from west to east direction, the petitioner under influence of alcohol, driven the car bearing registration No.TN 85 J 6700 in rash and negligent manner and dashed against the said Valli, due to which, she sustained grievous injurious on the back of her head. Immediately, she was taken to the nearby hospital where she was declared brought dead. The driver of the car was identified as L.Stanley Jones, the petitioner herein who when he was questioned by the public, he was found in a drunken state, not knowing what happened. On getting information, the respondent Police reached



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the scene of occurrence, questioned the petitioner and arrested him and sent the car for inspection to the concerned Motor Vehicle Inspector. During examination of the Doctor, the petitioner under influence of alcohol, driven the car and committed the offence. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the said Valli suddenly treaded into the middle of the road, that is the reason, for the accident. Admittedly, the street, in which, the car proceeded was narrow lane and the car cannot proceed beyond 20 kms speed. After the accident, the petitioner took all steps to provide medical help to the injured Valli, but unfortunately she passed away. Further, there was no rash and negligent driving on the part of the petitioner. He further submitted that the petitioner is a chronic diabetic patient having health complications. Due to which, the petitioner has to consult Doctors regularly and he is under constant medications. Due to arrest and incarceration, the petitioner is put to severe mental stress and he is not even able to walk inside the jail and his health condition is deteriorating day by day.



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4.He further submitted that in this case, a road accident is projected as though the petitioner was under consumption of alcohol. The medical test not conclusively proved that the petitioner was under consumption of alcohol at the time of commission of offence. Further, the car was sent for inspection to the Motor Vehicle Inspector and the forensic scientific report is yet to be received. Thus, in this case, the substantial portion of investigation is almost over. Further, the petitioner has no intention to commit the accident, the defacto complainant's mother Valli suddenly treaded into the road, due to which the accident had occurred. The learned counsel further submitted that the petitioner, without prejudice to his rights and his defence, he is willing to pay Rs.5,00,000/- (Rupees Five Lakh only), by way of fixed deposit to the legal heirs of the said Valli. This is only on humanitarian consideration and to show his conduct and not to be construed as admission of offence. Hence, he prayed for bail.

5.The learned government Advocate (Crl. Side) appearing for the

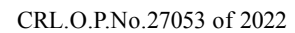


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respondent submitted that the defacto complainant Karthick is the son of the deceased Valli, who lodged the complaint before the respondent Police. The complaint is that the petitioner after attending his family function at Kodambakkam, came in car bearing registration No.TN 85 J 6700 in rash and negligent manner under influence of alcohol and dashed the said Valli's leg in the rear wheel. Due to which, the said Valli sustained grievous head injury and she was rushed to the nearby hospital, where he was pronounced dead. The driver of the car was identified as L.Stanley Jones the petitioner herein. When he was questioned, it was found that he was in drunken state and not knowing what was happening. He further submitted that the respondent Police came to the scene of occurrence, examined the petitioner and confirmed that the petitioner was under influence of alcohol over and above the permissible limit at the time of accident. Due to the negligence of the petitioner, the accident had occurred, in the process, the defacto complainant lost his mother. The investigation is in progress, hence, he opposed the bail.

6.On considering the rival submissions and on perusal of the



7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the fact that the petitioner is suffering from health ailments and finding substantial portion of investigation completed, this Court is inclined to grant bail to the petitioner with certain conditions:-



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8. 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 XVII Metropolitan Magistrate, Saidapet 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 as and when required for interrogation.

[c] the petitioner to deposit a sum of Rs.3,00,000/- (Rupees three lakhs only) in the name of S.Karthick, younger son of Valli (Aadhar Card No.9836 2264 9116) as fixed deposit in his account No.7257136620, IFSC Code: IDIB0005034, Indian Bank, Sowcarpet Branch, Chennai. Further, the petitioner to deposit a sum of Rs.2,00,000/- (Rupees two lakhs only) in the name of S.Balaji, elder son of Valli (Aadhar Card No.3563 4425 8222) as fixed deposit in his account No.353401504510, Customer ID: 562732634, ICICI Bank.

[e] The concerned Bank Managers to convert the demand drafts



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issued by the Indian Bank, Madras High Court Branch in D.D.No.387416 for Rs.3,00,000/- in the name of S.Karthick and D.D.No.387417 for Rs.2,00,000/- in the name of S.Balaji into fixed deposit in their respective name.

[e] the petitioner to produce the copy of the fixed deposits while executing the sureties before the XVII Metropolitan Magistrate, Saidapet in presence of respondent Police;

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

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

[h] 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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[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

9. Accordingly, this Criminal Original Petition is ordered. It is made clear that the petitioner paying Rs.5,00,000/- (Rupees five lakhs only) is only on humanitarian consideration to the legal heirs of the deceased Valli, which is not to be construed as admission of guilt, which is independent of any compensation amount they are entitled to receive.

07.11.2022

Index: Yes/No

Internet: Yes/No

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To

1. The XVII Metropolitan Magistrate Court,
Saidapet.

M.NIRMAL KUMAR, J.

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2.The Superintendent,
Central Prison, Puzhal.

3.The Inspector of Police,
R4, Pondy Bazaar Police Station,
Traffic Investigation Wing,
T.Nagar, Chennai – 600 017.

4.The Public Prosecutor,
High Court, Madras.

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