



Crl.OP.No.28022 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

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

Crl.OP.No.28022 of 2022

Rajkumar

..Petitioner

Vs.

The State Represented by,
The Inspector of Police,
North Police Station,
Tiruppur, Tiruppur District.
Crime No.1307 of 2022

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in connection with Crime
No.1307/2022 on the file of respondent police.

For Petitioner : Mr.T.Shanmugarajeswaran

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.10.2022 for the offences punishable under Sections 279, 304A @ 279, 304(2) of IPC in Crime No.1307 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had driven his vehicle bearing Reg.No.TN-42-D-0600 in a rash and negligent manner knowing well that it will endanger the life of the other pedestrians and thereby caused the death of the deceased victim. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that a case of accident has been projected as a case of culpable homicide not amounting to murder. He would further submit that the deceased victim who is a college student while driving his motor vehicle in front of the petitioner had stopped in the signal abruptly, which has resulted in petitioner dashing the two wheeler. He would further submit that the



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petitioner was not in an inebriated condition during the alleged occurrence and would also submit that the petitioner is holding proper license. He would further submit that the petitioner has been suffering incarceration from 25.10.2022. Hence, he seeks 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 his vehicle in a rash and negligent manner and thereby dashed against the two wheeler bearing Reg.No.TN-55-BK-0900, which was driven by the deceased victim and the deceased was died on the spot. Hence, he opposed for grant of bail to the petitioner.

5. It is seen that the trial Judge, after perusing the CCTV footage, had dismissed the petitioner's bail petition.

6. Heard the learned counsels and also perused the materials available on record.



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6. Taking into consideration the facts and submissions and the period of incarceration of the petitioner from the date of his arrest and also considering that the petitioner was not in an inebriated condition during the occurrence and also considering that the petitioner is holding an appropriate license, this Court is inclined to grant bail to the petitioner.

7. Accordingly, 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 -I, Tiruppur** 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., until further orders.



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[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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A.D.JAGADISH CHANDIRA, J.

Sma

To

1. The Judicial Magistrate -I,
Tiruppur.
2. The Inspector of Police,
North Police Station,
Tiruppur, Tiruppur District.
3. Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras

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