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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3485 of 2022

Neelakandan

... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Thondi Police Station,
Thondi,
Ramanathapuram District.
(Crime No.42 of 2022)

... Respondent/Complainant

For Petitioner : M/s.P.Santhana Krishnan,Advocate.

For Respondent : M/s.R.Sivakumar,
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.42 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 279 and 304(2) IPC, in Crime No.42 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 13.02.2022, the petitioner, who was driving a two wheeler, dashed against the defacto complainant's husband in a rash and negligent manner and the defacto complainant's husband sustained severe injury in the head, he was taken to the Government Hospital and died there. Hence, the complaint.



3.The learned counsel for the petitioner would submit that it is clear case of accident and that the FIR came to be registered as if, the accident was caused intentionally.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner had driven the two wheeler with high speed and dashed against the deceased and due to that incident, the deceased had sustained severe injuries and also head injuries.

5.Considering the nature of charges levelled against the petitioner and also the fact that the petitioner is not having any bad antecedents and also taking note of the age of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Thiruvadanai, on condition that the petitioner shall execute 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 Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar 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.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner shall not abscond 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 229-A IPC.

Sd/-
18/02/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE COURT,
THIRUVADANAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THONDI POLICE STATION, THONDI,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SANTHANA KRISHNAN P Advocate SR.No.1321

ORDER
IN
CRL OP (MD) No.3485 of 2022
Date :18/02/2022

SP/VR/SAR IV/23/02/2022/3P/6C