



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10.06.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10261 of 2022

1. Baskar
2. Velladurai ... Petitioners/Accused 1 & 2

Vs

The State represented by
The Inspector of Police,
Veera Keralampudur Police Station,
Tenkasi District.
(Crime No.88 of 2022) ... Respondent/Complainant

For Petitioners : Mr.T.INDRACHITHU,
Advocate.
For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl. side).

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :- For Bail in Crime No.88 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.1 & A.2, who were arrested and remanded to judicial custody on 30.05.2022 for the offences punishable under Sections 337, 304 and 304(A) IPC, in Crime No.88 of 2022, on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 29.05.2022, when the petitioners parked their tractor on the road side, the deceased and the defacto complainant, who came on the motor bike, hit the back side of the parked tractor and fell on the ground. Due to that, the deceased sustained injury and died on the spot. Hence, the complaint.

3.The learned counsel for the petitioners would submit that due to the rash and negligence driving of the motor vehicle rider, they have dashed against the back side of the petitioners' tractor, which was parked on the side of the road and that the respondent police has lodged the complaint as if the petitioners were responsible for the said accident.

4.The learned Government Advocate (Criminal Side) would submit that the first petitioner is the owner of the tractor and the second petitioner is the worker under the first petitioner.



5.As rightly contended by the learned counsel for the petitioner, this Court is also at loss to understand as to how the respondent police had invoked Section 304 IPC.

6.Considering the above facts and circumstances and also the considering the nature of the charges levelled against the petitioners and also the fact that the petitioners are in judicial custody from 30.05.2022, this Court is inclined to grant bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate Court, Alankulam, Tirunelveli District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty (30) days and thereafter as and when required for interrogation;

(iii)the petitioners shall not tamper with evidence or witness;

(iv)the petitioners shall not abscond during trial;

(v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

(vi)If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

10/06/2022

/ TRUE COPY /

10/06/2022

Sub-Assistant Registrar (C.S.)
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
ALANKULAM, TIRUNELVELI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL,
TENKASI, TENKASI DISTRICT.

4 THE INSPECTOR OF POLICE,
VEERA KERALAMPUDUR POLICE STATION,
TENKASI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.INDRACHITHU T Advocate SR.No.5383

ORDER

IN

CRL OP(MD) No.10261 of 2022

Date :10/06/2022

SA/PN/SAR.3/10.06.2022/3P/7C