



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.20401 of 2022

Karthick, ... Petitioner/Accused

Vs

The State Rep. by
The Sub Inspector of Police,
Chokkampatti Police Station,
Tenkasi District.
Crime No. 254 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Karthikeyan M,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

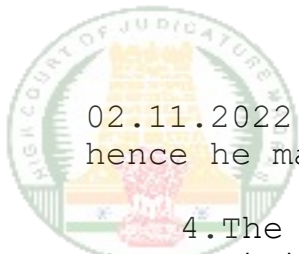
For Bail in Cr No.254/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 12.10.2022 for the offences punishable under Sections 279, 337, 338, 304(2) of IPC and 185 of MV Act, in crime No.254 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 12.10.2022, when the defacto complainant and other two police officers were going on their bike, the petitioner drove his car in a rash and negligent manner and dashed against the vehicles and caused injuries to them. Due to grievous injury, one of the injured died on the spot.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the second bail application. Earlier bail application filed by the petitioner in



02.11.2022. The petitioner is in judicial custody from 12.10.2022, hence he may be released on bail.

4. The learned Additional Public Prosecutor would submit that the petitioner is having 1 previous cases. 10 witnesses have been examined and the investigation is yet to be completed. Hence, he strongly opposed to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the facts that 10 witnesses have been examined and the petitioner is in judicial custody from 12.10.2022, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Judicial Magistrate, Tenkasi.

(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 petitioner shall report before the **Puliyankudi Police Station, Tenkasi, daily at 10.30 a.m., until further orders;**

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

iv) the petitioner 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 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].

sd/-
17/11/2022

/ TRUE COPY /

/11/2022

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

DSS

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.

<https://www.mhc.tn.gov.in/judis>



TO

1. The Judicial Magistrate,
Tenkasi.
2. Do-Through The Chief Judicial Magistrate,
Tirunelveli District.
3. The Superintendent,
Central Prison, Palayamkottai..
4. The Sub Inspector of Police,
Chokkampatti Police Station, Tenkasi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Inspector of Police,
Puliyankudi Police Station,
Tenkasi

+1. CC to M/S.PRAKASH Y Advocate SR.No.13180.

CRL OP(MD) No.20401 of 2022
Date :17/11/2022

KB/VR(17.11.2022) 3P 8C