



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22150 of 2022

Kesavan

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
(Crime No.252/2022).

... Respondent/Complainant

For Petitioner : M/s. Senthil.D,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.252/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 21.11.2022 for the offence punishable under Sections 279, 337, 338 and 304(A) of IPC @ 279, 337, 338 and 304(ii) IPC in Crime No.252 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint before the respondent police stating that after attending family function at Krishnagiri, the de-facto complainant and his relatives have come in two cars and while returning back from Krishnagiri to Ramanathapuram nearer to Paramakudi, the Government Bus bearing Registration No.TN-63-N-1827 came in a rash and negligent manner and dashed against the car bearing Registration No.TN-65-AR-6853 and persons, who travelled in the car, died and others are injured. Hence, the case came to be registered.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that he is a corporation driver and when the petitioner had attempted to enter into the Paramakudi Bus stand, the victims had driven the car in a rash and negligent manner and dashed against the bus, due to which, the accident had happened. He would further submit that the bus was moving in a very slow manner, whereas, the driver of the car had come in a rash and negligent manner and he is the person responsible for the accident. He would further submit that the petitioner is in jail from 21.11.2022 and he is also been suspended by the department. He would further submit that the petitioner has no intention to cause death of the victims and cause injury to the other victims and it was an unfortunate accident. Hence, he seeks for bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner, who is the corporation bus driver, had driven the bus on the wrong side of the Paramakudi road and he knowing very well that the persons from opposite direction will come in unexpected speedy manner and that he is the person responsible for the accident. The victims, who have come in the car in an unexpected manner, have dashed against the bus, resulting in death of four persons and injury to three persons. He would further submit that the petitioner has got one previous case registered for the offence under Section 304A of IPC. Hence he opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Paramakudi, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar



(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

sd/-

22/12/2022

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22/12/2022

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

SJI

TO

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SENTHIL.D, Advocate (SR-15303[I] dated 22/12/2022)

ORDER

IN

CRL OP(MD) No.22150 of 2022

Date :22/12/2022

USK/VR/SAR-I/22.12.2022/3P/7C

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