



Crl.O.P.No.6138 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2023

CORAM

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

Crl.O.P.No.6138 of 2023

Ramesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

(Crime No.46 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.46 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.B.Karthikeyan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



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ORDER

The petitioner, who were arrested and remanded to judicial custody on 13.02.2023, for the offences punishable under Sections 279, 337 & 304 (A) of IPC @ 279, 337 & 304 (2) of IPC, in Crime No.46 of 2023 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de-facto* complainant, Thangakumari is that her family members were returning to their home in a car bearing registration No.TN-49-BH-8980 in Chennai to Trichy National Highways and they have parked their car near Hotel Sowmya for having tea, at that time, the petitioner, who had rash and negligently driving the Government bus bearing registration No.TN-45-N-3587, dashed behind the car, due to which, 4 occupants in the car were died on the spot and one of them, who sustained grievous injuries, was sent to hospital, unfortunately, he died in the hospital, without responding to the treatment. Based on her complaint a case in Crime No.46 of 2023 came to be registered for the offence under Sections 279, 337 & 304 (A) of IPC and later altered to one under Sections 279, 337 & 304 (2) of IPC. Hence the case.



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3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and also submitted that the de-facto complainant's family members have parked their car on the National Highways and the incident had happened in the early morning. He also submitted that it is only an accident and there was no intention or motive on the part of the petitioner to cause the death of the victims. He further submitted that on coming to know that several persons were injured in the accident, the petitioner has voluntarily surrendered before the respondent and he is in custody from 13.02.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court, therefore, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that when the petitioner, who is the Government Bus Driver, was driving the bus bearing registration No.TN-45-N-3587, in Chennai to Trichy National High Ways, had slept and dashed against the car, in which the de-facto complainant's relatives had traveled, resulting in which,



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the passengers in the car have died. He also submitted that the confession statement has also recorded from the petitioner and investigation in this case is pending. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner are ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Titakudi**, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

17.03.2023

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To

1. The Judicial Magistrate,
Tittakudi.
2. The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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