



Crl.O.P.No.6940 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

CORAM

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

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Yugendhiran @ Yugendiran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-1, TIW Police Station,
Chennai.

(Crime No.22 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.22 of 2023, pending on the file of respondent Police.

For Petitioner : Mr.S.Apunu

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 16.02.2023 for the offences punishable under Sections 279, 304(2), 337 of IPC and Section 185 of Motor Vehicle Act in Crime No.22 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner, who is the bus driver, in an inebriated condition had driven the bus in a rash and negligent manner, dashed against two persons, out of which, one Venkatesan died on the spot and one Yasmin sustained injuries. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he was driving along TH road, which is a narrow passage, where the Metro Water Department had dug up the road, during which, the victims have suddenly entered into the main road, resulting in the accident. He would submit that the petitioner has not driven the vehicle in a rash and negligent manner, whereas, the victim got injured only by hitting the diesel pump cover. He would also submit that the



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petitioner is in judicial custody from 16.02.2023 and hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that since the petitioner, in an inebriated condition, had driven his vehicle in a rash and negligent manner on a narrow passage, due to which, the accident had happened and resulting in the death of one victim and serious injuries to another victim. Hence, he opposed for grant of bail to the petitioner.

5.In reply, the learned counsel for the petitioner would submit that the petitioner has not committed any offence and the petitioner, in order to show his bonafide, without prejudice to his defense and contention, is ready and willing to deposit a sum of Rs.1.75 lakhs to the legal heirs of the deceased and Rs.25,000/- to the injured/victim as ex gratia payment. Hence, he prays for grant of bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.



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7. Taking into consideration the facts and circumstances of the case, the voluntary submissions made by the petitioner that he is ready to make an ex gratia payment to the legal heirs of the deceased and to the injured and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is 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**, each for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, George Town, Chennai** 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 Bank pass Book to ensure their identity;

[b] the petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.22 of 2023 as *ex gratia* payment, out of which, Rs.1,75,000/- shall be paid to the father of the deceased



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and Rs.25,000/- shall be paid to the injured/victim after issuance of notice and verification.

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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]***;

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
H-1, TIW Police Station,
Chennai.
3. The Central Prison,
Puzhal II, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

Vkr

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