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CrI.O.P.No.9040 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.9040 of 2023

Arun Thomas @ Arun

... Petitioner/ A4

Vs.

State Rep by
The Station House Officer,
Odiansalai Police Sation,
Puducherry.
(Crime No.68 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in connection with the case in Crime No.68 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.A.Murugavel

For Respondent : Mr.K.S.Mohandass
Public Prosecutor
Pondicherry.



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.04.2023 for the offences punishable under Sections 143, 341, 323, 304 r/w. Section 149 of IPC in Crime No.68 of 2023 on the file of the respondent police, seeks bail

2. The case of the prosecution is that the accused persons along with others were standing on the middle of the road, while the deceased riding his motor cycle, way laid by them and attempted to assault him, with knowledge that if the fast moving vehicle was suddenly stopped, it may cause accident leading to death. While the deceased attempted to escape from them, he lost his control and hit on a road side tree and sustained head injury. Thereafter, he was taken to Government Hospital and he died. Based on the complaint given by the defacto complainant, the respondent police has registered a case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there is no common intention for the



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petitioner and the deceased only drove his vehicle rashly and due to over speed the offence had occurred and there is no overtact against the petitioner. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that all the accused persons, after attending a party, influenced alcohol and they travelled in one bike and one car. The deceased, while following the car in his motor cycle he was also intercepted, he lost his control and hit on a road side tree. Therefore, the respondent registered a case under Section 304 of IPC. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above fact and circumstances of the case and also the period of incarceration of the petitioner from the date of his arrest i.e. on 09.04.2023, this Court is inclined to grant bail to the petitioner.

6. 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



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only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Puducherry 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 report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks, thereafter, as and when required for interrogation.

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

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To

1.The Judicial Magistrate No.II, Puducherry.

2.The Station House Officer,
Odiansalai Police Sation,
Puducherry.

3.The Superintendent, Central Prison, Kalapet, Puducherry.

4.The Public Prosecutor (Pondicherry),
High Court of Madras,
Chennai



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G.K.ILANTHIRAIYAN, J.

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