



Crl.OP.No.11748 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11748 of 2023

Manisha Sha

... Petitioner

Vs.

State represented by,
The Inspector of Police,
HUDCO Police Station,
Krishnagiri District.
(Crime No.132 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.132 of 2023, on the file
of the Respondent Police.

For Petitioner : Mr.P.M.Jayachandran

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 04.05.2023 for the offences punishable under Sections 279, 337, 304(A) of I.P.C. Subsequently altered under Sections 297, 337, 304(2) of IPC in Crime No.132 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that on 03.05.2023 at about 07:30 p.m. the Petitioner / 1st Accused has driven a lorry bearing registration No. TN04-BA-6774 in a rash and negligent manner and collided with the two wheeler bearing registration No. TN70-AL-0327 in a drunken mode. Due to the accident, both the rider and pillion rider sustained injury and they were immediately taken to the Government Hospital. Unfortunately, the pillion rider died and hence, the Respondent/Police registered the present F.I.R. against the Petitioner and arrested him.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he has been falsely implicated in



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this case only on the basis of suspicion. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.side) appearing for the Respondent objected the submissions made on behalf of the Petitioner by stating that the Petitioner has driven a lorry bearing registration No. TN04-BA-6774 in a rash and negligent manner and collided with the two wheeler bearing registration No. TN70-AL-0327 in a drunken mode. In the accident the two wheeler rider went to coma stage and the pillion rider died. He would further states that the investigation is pending and if the Petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Since the accused is hailing from Patna, Bihar, the prosecution is apprehending that if he is released on bail, he will escape after execution of



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sureties. However, in the present day circumstances, people from any parts of India are available in any other part of India. Therefore, before releasing the accused, sureties shall be verified by the Investigation Officer through police counterparts in Bihar.

7. Considering the above facts and circumstances and also considering the period of incarceration suffered 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 separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties (one surety shall be a blood relatives of the petitioner from Patna and another surety shall be a local surety from the place of work of the petitioner), each for a like sum to the satisfaction of the learned Judicial Magistrate No-II, Hosur and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar



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card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioner shall stay at Chennai and report before the Inspector of Police, C1 Flower Bazaar Police Station, Chennai daily at 10.00 a.m. and he should not leave without obtaining proper permission from the Inspector of Police, C1 Flower Bazaar Police Station, Chennai, until further orders;

(c) The petitioner shall furnish the address details of the person, who will be giving blood surety, which is to be verified by the Investigation Officer with the State Police of Bihar;

(d) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

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

(f) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel



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the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(g) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(h) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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To

1. The Judicial Magistrate No-II,
Hosur.
2. The Inspector of Police,
HUDCO Police Station,
Krishnagiri District.
3. The Sub Jail,
Krishnagiri.
4. The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

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