



Crl.OP.No.11998 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

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1. Bala @ Balasubramaniyan

2. Bass @ Baskaran

... Petitioners

Vs.

The State rep by its
Inspector of Police,
Thiruvenkadu Police Station,
Mayiladuthurai District.
(Crime No.95 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioners on bail in Crime Np.95 of 2023 pending
investigation on the file of the respondent police.

For Petitioner : Mr.Om Sai Ram

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



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ORDER

The Petitioners, who were arrested and remanded to judicial custody on 11.05.2023 for the offences punishable under Sections 304(2), 379, 201 of IPC read with 21(1) of Mines and Minerals (Development and Regulation) Act 1957 in Crime No.95 of 2023 on the file of the Respondent Police, seek bail.

2. The case of the prosecution is that on 09.05.2023 at about 4.00 p.m., when the 1st petitioner was loading sand in a Tractor bearing No.TN 82 U 3942 Eicher 380 from *de-facto* complainant's brother/Rajendiran's land, the said Rajendiran had questioned about the lifting of the sand from his land. At that time, in order to escape from the place of occurrence, the 1st petitioner took a reverse of the tractor in a heavy speed and ran over the Rajendiran, who waylaid the tractor. The victim died on the spot. Hence, the complaint.

3. The learned Counsel appearing for the Petitioners would submit that the 1st petitioner is the driver of the vehicle and the 2nd petitioner is the



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owner of the vehicle. The 2nd petitioner was not present in the scene of occurrence. He would further submit that they have been suffering incarceration from 11.05.2023 and hence, he prays for grant of bail to the Petitioners.

4. The learned Government Advocate (Crl.side) appearing for the Respondent would submit that when the 1st petitioner attempted to lift sand from the *de-facto* complainant's brother's land and when he had questioned about the same to him, in order to escape from the scene of occurrence, the 1st petitioner reversed the vehicle at high speed. At that time, he ran over his vehicle over the *de-facto* complainant's brother. The victim died on the spot. He would further submit that there is no previous case pending against the petitioners and the investigation is yet to be completed. Hence, he vehemently oppose for grant of bail to the petitioners.

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



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6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the Petitioners, this Court is inclined to grant bail to the Petitioners with certain conditions:

7. Accordingly, each of the petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to “Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172”, and on such deposit, the Petitioners are ordered to be released on bail on their executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Sirkazhi, 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 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;



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(b) each of the Petitioners shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) as non refundable deposit to “Chief Minister's Public Relief Fund, Indian Overseas Bank, Secretariat Branch, Chennai SB.A/c. No.117201000000070, IFSC Code. No.IOBA0001172” and that the receipt of such deposit shall be produced before the concerned Magistrate at the time of executing the bond;

(c) the Petitioners shall report before the respondent police daily at 10.00 a.m., until further orders;

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

(e) the Petitioners 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 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;



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

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SATHI KUMAR SUKUMARA KURUP,J.

Mpl/Jeni

To

- 1.The Judicial Magistrate,
Sirkazhi.
- 2.The Inspector of Police,
Thiruvenkadu Police Station,
Mayiladuthurai District.
- 3.The Sub Jail,
Sirkazhi.
4. The Public Prosecutor,
High Court of Madras.

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