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Crl.O.P.No.13769 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM

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

Crl.O.P.No.13769 of 2023

George Muller Raju

... Petitioner

Vs.

State rep by
The Inspector of Police
Traffic Investigation Wing,
Redhills Police Station,
Chennai.

Crime No.323 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.323 of 2023 on the file
of the respondent police.

For Petitioner : Mr.L.Infant Dinesh

For Respondent : Mr. C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 01.06.2023 for the offences punishable under Sections 279, 304(2), 338
and 427 of IPC in Crime No.323 of 2023 on the file of the respondent police,



seek bail.

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2. The case of the prosecution as per the defacto complainant/Abdul Rahuman is that the accused has driven his car bearing Registration No.TN 18 BC 4797 in a rash and negligent manner and came in an opposite direction and dashed against the two wheeler of his son and also dashed against an auto rickshaw and in the accident, his son died on the spot and the driver of the auto rickshaw sustained injuries. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and it is only an accident and that the petitioner has not driven the vehicle in a rash and negligent manner and he was also not in an inebriated condition. He further submitted that the petitioner have all the insurances valid and the petitioner is working in a private firm. He also submitted that the petitioner is in custody from 01.06.2023, hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner had driven the vehicle in a rash and negligent manner and came in an opposite direction and dashed against the victims, resulting in death of one person and injury to another person. Hence,



he opposed for grant of bail to the petitioner.

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5. At this juncture, the learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and the petitioner, without prejudice to his defense and contention, is ready and willing to make an *ex gratia* payment of Rs.3 lakhs to the legal heir/father of the deceased and Rs.25,000/- to the injured victim. Hence, he prayed for grant of bail to the petitioner.

6. Heard the learned Counsels and perused the materials available on record including the FIR.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, the period of incarceration undergone by the petitioner and also considering the voluntary submissions made by the petitioner that he is ready to make an *ex gratia* payment to the legal heir of the deceased and the injured victim, this Court is inclined to grant of bail to the petitioner with certain condition.

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**

Judicial Magistrate, Ambathur, 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.3,25,000/- (Rupees Three Lakhs and Twenty Five Thousand only)** to the credit of Crime No.323 of 2023 as *ex gratia* payment and on such deposit, the learned Magistrate is directed to disburse a sum of **Rs.3,00,000/-** to the legal heir/father of the deceased namely **Abdul Rahuman** and **Rs.25,000/-** to the injured/victim, after issuance of notice and proper identification and acknowledgement;

[c] the petitioner shall report before the respondent Police, everyday at 10.30 a.m., for a period of two weeks and thereafter, on 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



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appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

21.06.2023

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To

1. The Judicial Magistrate,
Ambathur, Chennai.
2. The Inspector of Police
Traffic Investigation Wing,
Redhills Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,



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