



Crl.O.P.No.15662 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.15662 of 2023

Irudayaraj

...Petitioner

Vs.

The State Rep by
The Inspector of Police,
Traffic Investigation Wing,
Redhills.
(Crime No.355 of 2023).
...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail pending investigation in connection with Crime No. 355 of 2023 on the file of respondent herein.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



Crl.O.P.No.15662 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.06.2023 for the offence punishable under Sections 279, 304(A) @ 304(ii) of IPC (3 Counts) & 134(a), 134(b) r/w. 187 Motor Vehicles Act, 1988 in Crime No.355 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is falsely implicated as an accused in Crime No.355 of 2023 for the offences punishable under Sections 279, 304(A) @ 304(ii) of IPC (3 Counts) & 134(a), r/w. 187 Motor Vehicles Act, 1988 in a road accident case. Petitioner is innocent. Petitioner is in judicial custody from 17.06.2023. Therefore, he prays for grant of bail to the petitioner.

3. Learned Additional Public Prosecutor, opposed this petition, on the ground, it is a case of rash and negligent driving of the petitioner in a reverse direction, resulting in death of 3 persons. Thus, he prays for



Crl.O.P.No.15662 of 2023

dismissal of this petition.

4. Considering the submissions and perused the records.

5. The reading of the first information report allegations show that, defacto complainant had given his vehicle bearing No.TN 05 BQ 9517 for his friend one Saravanakumar, for supplying Aavin milk. On 14.06.2023, this vehicle was driven by Rajendran along with two helpers namely Ujal Behera and Papu Panigrahi to help in supplying milk. When this vehicle was going near Thiruvallur to Redhills, on 15.06.2023, at about 00.30 hours, the driver of the heavy vehicle bearing No.TN 28 0040, which was going in front of TN 05 BQ 9517 had suddenly applied brake. As a result, driver of TN 05 BQ 9517 had to hit the back side of the heavy vehicle. Due to this incident, driver Rajendran and his helpers Ujal Behera and Papu Panigrahi suffered injuries and died.

5.1. From the first information report allegations, it is shown that, the accident happened because of applying sudden brake by driver of the



Crl.O.P.No.15662 of 2023

lorry bearing No. TN 28 AK 0040. However, the statement of the eye witness one Gurusamy gives a different picture as to the manner of the accident. He stated in his statement that, driver of the lorry bearing No.TN 28 AK 0040 was driving in a reverse direction. On seeing that, eye witness namely Gurusamy had warned him stating that, why he was driving the lorry in reverse direction without sound and indicator and this would cause accident. Despite his warning, it is alleged that, driver of the lorry bearing No.TN 28 AK 0040 had continued driving in the reverse direction. Thus, it is seen that, there are two different statements available, with regard to the manner in which the accident had happened. Only during the course of trial, the truth would come out, through evidence of witnesses.

6. Considering the fact that, petitioner is in judicial custody from 17.06.2023 and that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner with conditions and the petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five



Crl.O.P.No.15662 of 2023

Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Ponneri** 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 morning at 10.30 a.m., until further orders.

[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].



WEB COPY



Crl.O.P.No.15662 of 2023

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

11.08.2023

gd

To

- 1.The Judicial Magistrate No.II,
Ponneri.
- 2.The Inspector of Police,
Traffic Investigation Wing,
Redhills.
- 3.The Sub Jail,
Ponneri.
- 4.The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.No.15662 of 2023

G.CHANDRASEKHARAN. J.

gd

Crl.O.P.No.15662 of 2023

11.08.2023