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Crl.O.P.No.19758 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

THE HON'BLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.19758 of 2023

Rahul Kumar Singh

...Petitioner

Vs.

State Rep by
The Inspector of Police,
Redhills -TIW Police Station,
Thiruvallur district.
Crime No.457 of 2023.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in the above said crime No.457 of 2023 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Dineshkumar

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody



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on 26.07.2023 for the offence punishable under Sections 283, 304(A) @ 283, 304(2) IPC in Crime No.457 of 2023 on the file of the respondent police, seeks bail.

2.Learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated as an accused in a case registered for the offences punishable under Sections 283, 304(A) and subsequently altered under Sections 283, 304(2) IPC in Crime No.457 of 2023. He further submitted that, petitioner is the driver of the lorry bearing No.KA 34 B 8001. He is implicated as an accused, for the reason that, he parked the lorry on the wrong side of the road at GNT Road near Kaaranodai Athur overbridge and that was the reason for the deceased to hit the lorry from behind. Petitioner was not responsible for the accident, but it is the deceased who was responsible for the accident. In the said circumstances, he seeks bail to the petitioner.

3. In response, learned Additional Public Prosecutor opposes this petition, on the ground that, the main reason for the accident was parking



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of the lorry in the wrong side of the road i.e., right side of the road.

Though, first information report was registered under Sections 283, 304(A), it was subsequently altered under Sections 283, 304(2) IPC. The investigation in this case is pending. However, he seeks for dismissal of this petition.

4. Considering the nature of the allegations and that petitioner is in judicial custody from 26.07.2023, that substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner is ordered to be released on bail on their executing a bond for a sum of **Rs.25,000/-** (Rupees Twenty Five Thousand only) with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.2, 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



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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].

[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.2, Ponneri.

2.The Inspector of Police,
Redhills -TIW Police Station,
Thiruvallur district.

3.The Sub-Jail, Ponneri.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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