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CrI.O.P.No.24397 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.24397 of 2023

1. Ganesh
2. Keerthi

... Petitioners

Vs.

State Rep.by
The Inspector of Police,
Avadi Traffic Investigation Wing Police Station,
Avadi.

(Crime No.565 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to release the petitioners on bail in Crime No.565 of 2023 on the file
of the respondent police.

For Petitioners : Mr.J.Kanikkai Nathan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI.Side)

ORDER

The petitioners, who were arrested and remanded to judicial
custody on 19.08.2023 for the offence punishable under Sections 279,



Crl.O.P.No.24397 of 2023

304(A) and 337 of IPC and subsequently, altered to Sections 279, 337, 304(2) of IPC, 185 of MV Act, in Crime No.565 of 2023 on the file of the respondent police, seek bail.

2.It is stated that they were travelling a car bearing registration No. TN 12 W 4425, which was driven by A1 on 19.08.2023. A1 lost control and collided with the motorcycle bearing registration No.TN 12 AP 0193 and another motorcycle bearing registration No.TN 13 A 7124, which came in the opposite direction. In the accident, one person died and two other persons were injured.

3.The earlier application for bail filed by the petitioners had been dismissed by this Court in Crl.O.P.No.22610 of 2023 on 03.10.2023. At that time, it has been stated that the laboratory report had also been forwarded to the Medical Officer.

4.As on date, there is change in circumstances as the investigation has been completed.

5.In view of the particular fact and considering the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.



CrI.O.P.No.24397 of 2023

6. Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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, Ambattur, 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 petitioners shall report before the respondent police on everyday at 10.30 a.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 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].



WEB COPY



CrI.O.P.No.24397 of 2023

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

19.10.2023

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To

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



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Crl.O.P.No.24397 of 2023

C.V.KARTHIKEYAN, J.

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Crl.O.P.No.24397 of 2023

19.10.2023