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CrI.O.P.No.28735 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM

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

CrI.O.P.No.28735 of 2023

Prabhu

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Traffic Investigation Wing Police Station,
Redhills,
Thiruvallur District.
Crime No.619 of 2023.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.619 of 2023 on the file
of the respondent.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.R. Kishore Kumar,
Govt. Advocate (Criminal Side)



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ORDER

The petitioner who was arrested and remanded to judicial custody on 04.10.2023 for the offences punishable under Sections 279, 304(ii) of IPC r/w. Section 134(a), 134(b), 187, 185 of Motor Vehicles Act in Crime No.619 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that the petitioner, under the influence of alcohol had driven a container lorry bearing registration No.TN-20-BR-3556 in the opposite side of the road and dashed against the barricades of the Toll Plaza and also caused death to one person.

3.The learned counsel for the petitioner stated that the petitioner had lost the control of the vehicle.

4.The earlier petition for bail had been dismissed on 28.11.2023 in Crl.O.P.No.26946 of 2023. The one change in circumstance of the case is the progress in investigation.

5.Taking that fact into consideration and the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



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6. Accordingly, the petitioner is ordered to be released on bail on executing 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 - I, 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 appear before the respondent police daily 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].



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C.V.KARTHIKEYAN, J.

smv

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

22.12.2023

smv

To

1. The Judicial Magistrate - I, Ponneri.
2. The Inspector of Police,
Traffic Investigation Wing Police Station,
Redhills,
Thiruvallur District.
3. The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.

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