



CrI.O.P.No.29068 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.29068 of 2023

P.Mathan Kumar
S/o.Perumal

...Petitioner/Accused

Vs.

The State represented by
The Inspector of Police,
C-1, TIW-Elephant Gate Police Station,
Chennai.
(Crime No.147 of 2023)

...Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.147 of 2023 on the file of Inspector of Police, C-1, TIW-Elephant Gate Police Station, Chennai on such terms and conditions.

For Petitioner : Mr.V.Arun Kumar

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner seeks bail in Crime No.147 of 2023, registered by the respondent police for the offences punishable under Sections 279,



CrI.O.P.No.29068 of 2023

308, 337 of I.P.C. and Sections 184, 185 of M.V. Act @ 279, 304(ii) of I.P.C. and Sections 184, 185, 181(3) of M.V. Act. He had been arrested and remanded to judicial custody on 22.10.2023.

2. The case of the prosecution is that the petitioner drove his two wheeler in a rash and negligent manner under the influence of alcohol and dashed against the mother-in-law of the de-facto complainant. Due to which, she sustained injury on the head and admitted to the hospital and later she died. Hence, a case was registered against the petitioner.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent person, he did not drunk at the time of occurrence and a false case has been foisted against him. He would further submit that there is no previous case as against the petitioner. He would further submit that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



WEB COPY

4. The learned Additional Public Prosecutor would submit that the petitioner drove his two wheeler in a rash and negligent manner under the influence of alcohol and dashed against the mother-in-law of the de-facto complainant, thereby she sustained grievous injuries and later died. She would further submit that in this case investigation is still pending and no previous case is pending against the petitioner. However, she objected to grant bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that there is no previous case pending against the petitioner and also considering the period of incarceration and considering the offences charged against the petitioner, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] 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 III Metropolitan Magistrate, George Town, Chennai and on further conditions that :-



CrI.O.P.No.29068 of 2023

[b] 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.

[c] the petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders.

[d] the petitioner shall not commit any offences of similar nature.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] 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].

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

28.12.2023

rsi



CrI.O.P.No.29068 of 2023

WEB COPY

To

1. The III Metropolitan Magistrate, George Town, Chennai.
2. The Central Prison, Puzhal.
3. The Inspector of Police,
C-1, TIW-Elephant Gate Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.29068 of 2023

P.DHANABAL. J.

rsi

Crl.O.P.No.29068 of 2023

28.12.2023