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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/01/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.1078 of 2023

Sathish Kumar

... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Chockkampatti Police Station,
Tenkasi District,
(Crime No.254/2022).

... Respondent/Complainant

For Petitioner : M/s.Sasikumar V,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.254/2022 on the file of the Respondent Police.

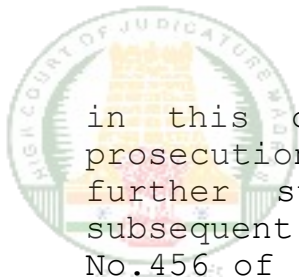
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 08.01.2023 for the offences punishable under Sections 279,337,338,304(2) of IPC r/w.Section 185 of M.V.Act in Crime No.254 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.10.2022 the petitioner and the other accused had driven the Innova Car in a rash and negligent manner knowing well that it will endanger the life of other persons had dashed against the two wheeler driven by the Head Constable and also caused injuries to other persons travelling in two wheeler, due to which three persons sustained injuries and one person died in the spot.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated

<https://www.mhc.tn.gov.in/judis>



in this case. He would further submit that even as the prosecution the petitioner was only a co-passenger. He would further submit that the Puliyanakudi police has registered a subsequent case against the petitioner and other accused in Crime No.456 of 2022 and this Court had granted anticipatory bail to the petitioner on condition that the petitioner shall deposit a sum of Rs.50,000/- to the victim/Aravindan and the petitioner had also complied with the condition and while he was appearing before the respondent and complying with the condition in Crime No.456 of 2022 the petitioner was arrested in this case. He would also reiterate that the petitioner was not the person who has driven the car and the petitioner has also paid the amount to the victim. He would further submit that the petitioner is in custody from 08.01.2023 and the main accused has been granted bail by this Court and hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the owner of the Innova car. He had in an inebriated condition instigated the other accused to drive car in a rash and negligent manner and caused injuries to pedestrians and other persons travelling in the road and thereby dashed against two wheeler driven by other persons due to which three persons sustained injuries and one person died in the spot, hence he objected to grant bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration and also the fact that the main accused has been granted bail by this Court, 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 condition to execute 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 Judicial Magistrate, Tenkasi and on further conditions that:

[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 learned Judicial Magistrate, Tenkasi daily at 10.30 A.M., for a period of two weeks and thereafter as and when required for interrogation by the respondent police.

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



[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 Judicial 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].

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

sd/-

20/01/2023

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20/01/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1 THE JUDICIAL MAGISTRATE, TENKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE, SUB JAIL, TENKASI DISTRICT.

4 THE INSPECTOR OF POLICE, CHOKKAMPATTI POLICE STATION,
TENKASI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SASIKUMAR V, Advocate (SR-867[I] dated 20/01/2023)

ORDER

IN

CRL OP(MD) No.1078 of 2023

Date :20/01/2023

RS/VR/SAR.(20.01.2023) 3P-7C