



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4903 of 2023

Syed Ali

... Petitioner / Sole Accused

Vs

State represented through
The Inspector of Police,
Traffic Investigation Wing,
Tirunelveli City.
(In Crime No.73/2023).

... Respondent / Complainant

For Petitioner : M/s.Thamotharakannan C, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.73/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner /sole accused who was arrested and remanded to judicial custody on 04.03.2023 for the offences under sections 279,338 of IPC and sections 185,181(3) of Motor Vehicles Act @ 304 (ii) of IPC in Crime No.73 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 02.03.2023 the petitioner herein drove the vehicle in a rash and negligent manner in a drunken mood without following the traffic rules and fell down and caused injuries to the pillion rider and subsequently he died in the hospital, hence the case.

3. Heard both sides and perused the materials available on record including the First Information Report.

<https://www.mhc.tn.gov.in/judis> It is seen that the petitioner and the deceased were



riding on the same motor cycle in an inebriated condition, therefore in order to avoid an accident he turned his motor cycle on the right side and they fell down and the pillion rider of the motor cycle sustained injuries. Further the pillion rider was also under the influence of alcohol. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration 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 blood related sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli 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 respondent police daily at 10.30 A.M. and 5.30 P.M., for a period of four weeks and thereafter as and when required for interrogation

[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 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/-

15/03/2023

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15/03/2023

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



To

1.The Judicial Magistrate No.V,
Tirunelveli.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.

3.The Inspector of Police,
Traffic Investigation Wing,
Tirunelveli District.

4.The Superintendent,
Central Prison,
Palayamkottai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.4903 of 2023

Date :15/03/2023

ED/SBN/SAR- (15/03/2023) 3P 6C