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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/04/2023
PRESENT

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

CRL OP(MD) . No.7708 of 2023

Jeyakumar,

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram, Tenkasi District.
(Crime No.41 of 2023).

... Respondent/Complainant

For Petitioner : M/s.Pragalathan.N,
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.41 of 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 02.02.2023 for the offences under sections 279,337,304(A) of IPC and section 185 of the M.V.Act @ 304(ii) of IPC in Crime No.41 of 2023 on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 01.02.2023 at about 10.45 when the defacto complainant and others were walking on the left side of the road the petitioner herein in an inebriated condition drove the taxi in a rash and negligent manner and dashed against the minor son of the defacto complainant in which he died and one person sustained injuries, hence the case.

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

4. It is seen that the petitioner in an inebriated condition after consuming alcohol drove the four wheeler in a rash and negligent manner and dashed against the minor son of the defacto



complainant and caused his death. Further he also dashed at another person and caused injuries. Taking into consideration 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:

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[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, 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 respondent police daily at 10.30 A.M. and 5.30P.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 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/-

25/04/2023

/ TRUE COPY /

25/04/2023

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

AAV

TO

1 THE JUDICIAL MAGISTRATE,
TENKASI.

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



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, TENKASI.

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

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

+1. CC to M/S.PRAGALATHAN.N Advocate SR.No.6488

**ORDER
IN**

CRL OP(MD) No.7708 of 2023
Date :25/04/2023

SA/VR/SAR. /25.04.2023/3P/7C