



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

Date : 04/05/2023

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8561 of 2023

Moxgabriel

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Thallakulam Tiw II Police Station,
Madurai City.

In Crime No.129/2023..

... Respondent/Complainant

For Petitioner : M/s.Suyambulinga Bharathi.K,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.129/2023 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 24.04.2023 for the offences punishable under Sections 279 and 304(ii) of IPC in Crime No.129 of 2023 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner herein drove his car in a rash and negligent manner in a drunken mood and dashed against the son of the defacto complainant due to which he sustained injuries and died. Hence, the complaint.

3.On the side of the petitioner, it is stated that the petitioner has driven his car on the left side of the road following traffic rules and the deceased after buying liquor from the tasmac shop jumped over the centre median suddenly without following the traffic rules and hit against the car. Further no blood test was taken for the petitioner and the deceased for drunken driving and the injured was taken to the hospital only by the petitioner. Further it is stated that the petitioner is in judicial custody from 24.04.2023, hence he seeks bail.



4. On the side of the prosecution, it is stated that petitioner in a drunken mood had driven his car in a rash and negligent manner and dashed against the victim aged about 19 years, due to which he sustained injuries and died, hence he objected to grant bail to the petitioner.

5. Considering the facts and circumstances of the case and also period of incarceration and also the fact that the investigation is almost completed, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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 Judicial Magistrate No.II, Madurai

[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 two 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/-

04/05/2023

/ TRUE COPY /

04/05/2023

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



AAV

TO

1 THE JUDICIAL MAGISTRATE NO.II
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE
THALLAKULAM TIW II POLICE STATION, MADURAI CITY.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

ORDER

IN

CRL OP (MD) No.8561 of 2023

Date :04/05/2023

SS/CG/SAR /04/05/2023/3P/6C