



CRL OP(MD). No.23215 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/12/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.23215 of 2023

Mahesh

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Authoor Police Station,
Thoothukudi District.
Crime No. 195 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Alagumani R,
Advocate.

For Respondent : Mr.R.M.S.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.195 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



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custody on 30.10.2023 for the offences punishable under sections 279, 337, 304(ii) IPC and Section 185 of Motor Vehicles Act in Crime No.195 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.10.2023 at 2.00 am in the drunken mood the petitioner herein had driven the Omni bus in a rash and negligent manner and caused death to the two persons and also caused injuries to the two persons. Hence, the complaint.

3.The learned counsel appearing for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in custody from 30.10.2023, hence he seeks bail.

4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that on 30.10.2023 at 2.00 am in the drunken mood the petitioner herein had driven the Omni bus in a rash and negligent manner and caused death to the two persons and also caused injuries to the two persons, hence he objected to grant bail to the petitioner.



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5.Considering the facts and circumstances and also considering the period of incarceration and also taking into consideration the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012) 1 SCC 40, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[i] 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 Principal Sessions Judge, Thoothukudi and on further conditions that:

(ii) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(iii) the petitioner shall appear before the trial Court on receipt of summons;

(iv) the petitioner shall not tamper with evidence or witness;



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(v) the petitioner shall not abscond during trial.

(vi) On breach of any of the aforesaid conditions, the learned 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
21/12/2023

/ TRUE COPY /

21/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

1. The Principal Sessions Judge, Thoothukudi



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2. The Officer in charge, Sub Jail, Srivaikundam

3. The Inspector of Police,
Authoor Police Station,
Thoothukudi District.

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

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-18126[I] dated 21/12/2023)

ORDER
IN
CRL OP(MD) No.23215 of 2023
Date :21/12/2023

RK/ (21/12/2023) 5P / 6C

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