



Crl.O.P.No.481 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.481 of 2024

Arunkumar S/o. Ramesh

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Thiyagadurgam Police Station,
Kallakurichi District.

(Crime No.634 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail concerned in Crime No.634 of
2023 on the file of the respondent on such terms and conditions.

For Petitioner : Mr.N.Chinnaraj

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner/A1 in Crime No.634 of 2023, registered by the respondent police for the offences under Sections 279, 337, 304(A) & 304(2) of IPC, seeks bail. The petitioner had been remanded to custody on 21.12.2023.

2.It is the case of the prosecution that when the son of the defacto complainant and 44 others were travelling in a bus, the driver of the bus tried to overtake another vehicle and dashed against the stationed vehicle which was parked by the petitioner without any signal on the middle of the road. It is stated that consequent to that, the son of the defacto complainant died in the said accident and several other passengers had sustained injuries.

3.The learned counsel for the petitioner stated that the vehicle was parked owing to breakdown.

4.Let me not enter into any further discussion since the nature of



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the accident would be the subject matter of independent analysis by the Court which examines compensation to be paid in accordance with law. Limiting myself to issue of grant of bail and taking into consideration the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

5. 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 Judicial Magistrate II, Kallakurichi, and on further conditions that:

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[a] 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.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.



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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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].

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

24.01.2024

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To

1. The Judicial Magistrate II, Kallakurichi.
2. The Sub-jail, Kallakurichi.
3. The Inspector of Police,
Thiyagadurgam Police Station,
Kallakurichi District.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.

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