



Crl.O.P.No.3866 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

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

Crl.O.P.No.3866 of 2024

and

Crl.M.P.No.3529 of 2024

R. Anbazhahan

...Petitioner

Vs.

State of Tamilnadu represented by
The Inspector of Police, (L & O)
R.K.Nagar Police Station,
Chennai (Crime No.26 of 2024)

...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.26 of
2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr. S. John Peter

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)



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ORDER

The petitioner seeks bail in Crime No.26 of 2024, registered by the respondent for the offences under Sections 304(2) of I.P.C. The petitioner had been remanded to judicial custody on 14.01.2024.

2.The petitioner/A1 is a conductor in a MTC bus in Route No.44. It is stated that when the deceased and his son were travelling in a foot board of the bus, the son of the defacto complainant died. According to the defacto complainant/father of the deceased owing to a push made by the petitioner herein his son died. It is stated that the deceased died due to being crushed in the wheel of the bus. A2 is the driver of the bus and he has been granted anticipatory bail by the Court below. However, the intervenor is at liberty to file necessary application seeking compensation before any Competent Civil Court.

3.Taking all the factors into consideration and the period of



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incarceration suffered by the petitioner, I am inclined to grant bail to the petitioner subject to the following conditions:

4. 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 **XV M.M Court, Chennai**, and on further conditions that:

[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.

[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



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under Section 229A IPC.

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The above miscellaneous petition is allowed.

27.02.2024

smn

C.V.KARTHIKEYAN. J.

smn

To

1. The **XV M.M Court, Chennai**



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2. The Inspector of Police, (L & O)
R.K.Nagar Police Station,
Chennai (Crime No.26 of 2024)

3. The Central Prison, Chennai -66

4. The Public Prosecutor,
High Court of Madras.

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