



Crl.O.P.Nos.4600 & 4710 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

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

Crl.O.P.Nos.4600 & 4710 of 2024

S.Vignesh ..Petitioner in Crl.O.P.No.4600 of 2024

Balaji ..Petitioner in Crl.O.P.No.4710 of 2024

Vs.

State represented by
The Inspector of Police,
Traffic Investigation Wing,
Avadi Police Station,
Avadi, Thiruvallur District.
(Crime No.49/AV1/2024).

...Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions are filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.49/AV1/2024 pending on the file of the respondent Police.

For Petitioner
in Crl.O.P.No.4600/2024 : Mr.S.Chandrasekaran
For Petitioner
in Crl.O.P.No.4710/2024 : Mr.R.Sasikumar

For Respondent : Mr.L.Baskaran
in both OPs. Govt. Advocate (Crl. Side)



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COMMON ORDER

The petitioners, who were arrested and remanded to judicial custody on 23.01.2024 for the offences originally registered by the respondent Police under Sections 279, 304(2), 338 IPC and 134(a), 134(b), 187 of MV Act and later, altered to Sections 279, 304(2), 338, 109 IPC and 134(a), 134(b), 187, 188, 181(3) of MV Act in Crime No.49/AV1/2024, seek bail.

2.The petitioner in Crl.O.P.No.4600 of 2024 is arrayed as A2 and the petitioner in Crl.O.P.No.4710 of 2024 is arrayed as A4.

3.It is stated that A2 was the driver of the car bearing registration No.TN 02 BB 2153. It is further stated that he was under the influence of alcohol. A4 was in the rear seat of the car.

4.The case of the prosecution is that A4 was also under the influence of alcohol.

5.It is stated that they had dashed against the two wheeler bearing registration No.TN 12 AK 6367 near Ramadasapuram Railway bridge, Thirunindravur. Owing to the said accident, two persons died. The two children who were also coming in the two wheeler, had suffered injuries



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and subsequently, discharged from the hospital. The insurance details of the car had been forwarded by the learned counsel for the petitioner in Crl.O.P.No.4600 of 2024.

6. But at any rate, to make them clear that A2 should not drive the vehicle under the influence of alcohol, though this Court is inclined to grant bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate 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, Ambattur, 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 petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders.

[c] the petitioner in Crl.O.P.No.4600 of 2024 is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.49/AV1/2024 before



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the Judicial Magistrate, Ambattur. On such deposit, the learned Magistrate shall hand over the said amount to the guardian of the two children. It is made very clear that this is just compensation directly imposed on A2. This would not preclude the claimants to claim insurance from the Insurance Company in the manner known to law.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

21.03.2024

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To

- 1.The Judicial Magistrate, Ambattur.
2. The Central Prison, Puzhal.
- 3.The Inspector of Police,
Traffic Investigation Wing,
Avadi Police Station,
Avadi, Thiruvallur District.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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