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Crl.O.P.No.5377 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

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

Crl.O.P.No.5377 of 2024

Sivasankaran

... Petitioner

Vs.

State represented by
Inspector of Police,
Traffic Investigation Wing,
Redhills Police Station,
Crime No.55/RHI of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.55/RHI of 2024 on the
file of the respondent.

For Petitioner : Mr.G.Krishnamurthy

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on 31.01.2024 for the offences originally registered under Section 304(A)



Crl.O.P.No.5377 of 2024

IPC and later, altered to Sections 283 and 304(ii) IPC, in Crime No.55/RHI of 2024 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner is the driver of the lorry bearing registration No.TN 04 K 7107 which was parked according to the respondent in the middle of the road.

3.It is stated that the deceased was driving the two wheeler bearing registration No.TN 02 BJ 4693 and dashed against the lorry and unfortunately, died.

4.The learned counsel for the petitioner stated that the petitioner had been remanded to judicial custody from 31.01.2024. It is also stated that the lorry is insured and necessary documents in this regard had also been produced before this Court.

5.A counter affidavit had been filed by the respondent wherein, it had been stated that the offences have been altered to Sections 283 and 304(ii) of IPC. It had also been stated that the investigation has been practically completed.

6.The learned counsel for the petitioner filed a memo seeking alteration of the offences in the petition. While issuing order copy, the Registry may note that the offences are Sections 283 and 304(ii) of IPC.



Crl.O.P.No.5377 of 2024

7.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

8.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** Judicial Magistrate No.II, Ponneri 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 on 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].



Crl.O.P.No.5377 of 2024

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

14.03.2024

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To

- 1.The Judicial Magistrate No.II, Ponneri.
2. The Inspector of Police,
Traffic Investigation Wing,
Redhills Police Station,
- 3.The Central Prison, Puzhal.
4. The Public Prosecutor, High Court of Madras.



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Crl.O.P.No.5377 of 2024

C.V.KARTHIKEYAN, J.

vkr

Crl.O.P.No.5377 of 2024

14.03.2024