



Crl.O.P.No.6521 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM

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

Crl.O.P.No.6521 of 2024

Sathiyathan

...Petitioner/Accused

Vs.

State represented by
The Inspector of Police,
Reddichavadi Police Station,
Cuddalore District.

(Crime No.31 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.31 of
2024 on the file of the respondent police on such terms and conditions.

For Petitioner : Mr.J.Puratchidhasan

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



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ORDER

The petitioner/accused in Crime No.31 of 2024, registered by the respondent police originally for the offences under Sections 294(b) and 506(1) of IPC and later altered to Sections 279, 294(b), 506(ii) of IPC r/w 185 and 297 of M.V Act with respect to an occurrence which took place on 22.01.2024 but remanded to judicial custody on 26.02.2024, seeks bail.

2.It is stated that the defacto complainant is the Advocate who questioned the act of the petitioner in driving the bus under the influence of alcohol.

3.It is also stated that investigation has been completed and final report has also been filed before the Judicial Magistrate II, Cuddalore. The burden is now on the defacto complainant to tender credible evidence for the prosecution to enable the prosecution to establish the case beyond reasonable doubt including the fact that the petitioner was under the influence of alcohol at the time of driving the bus.



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4. Taking into consideration the period of incarceration and all other factors and an opportunity must be granted to participate in the trial proceedings, 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 (one surety must be a blood relative of the petitioner), each for a like sum to the satisfaction of the Judicial Magistrate – II, Cuddalore, 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., for a period of three weeks and thereafter, as and when required for interrogation.

[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.

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C.V.KARTHIKEYAN. J.

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To

1. The Judicial Magistrate – II, Cuddalore.
2. The Central Prison, Cuddalore.
3. The Inspector of Police,
Reddichavadi Police Station,
Cuddalore District.
4. The Public Prosecutor,
High Court of Madras.

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