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CRL O.P. No.20613 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :23.08.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.20613 of 2024

Ajai Ragul Balakrishnan

... Petitioner / Accused-1

Vs

State rep. by:-

The Inspector of Police,
Traffic Investigation Wing East Police Station,
Coimbatore.

... Respondent

[Cr. No.389 of 2024]

For Petitioner : Mr.E.K.Kumaresan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
[Criminal side]

PETITION FOR BAIL Under Sec.483 of B.N.S.S.

PRAYER: - The Criminal Original Petition is filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the Petitioner on bail in Crime No. 389 of 2024 on the respondent police.



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 13.08.2024 for the offences punishable under Sections 281, 125(b) and 106(1) of BNSS and Section 187 r/w Section 134(a) and 134(b) of Motor Vehicle Act, and subsequently altered to Sections 281, 125(b), 105 and 49 of BNSS and Section 187 r/w 134(a) and 134(b) of Motor Vehicles Act, in Crime No.389 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 11.08.2024 at around 01.45 a.m., one Honda Activa two-wheeler driven by local SSI, Ravi and Prabhu, Home Guard as pillion driver were hit by one Red colour Volkswagon car driven by the petitioner, which caused the death of Mr.Prabhu, Home Guard and Mr.Ravi, SSI was hurt with injuries in the body but the car left without stopping and without giving any first aid to the injured and without informing the police about the accident. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit the petitioner has no previous case against him and co-accused have been released on bail. He would further submit that the petitioner is ready to abide by any condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) for the respondent would submit that there are totally five accused in this case, in which the petitioner is arrayed as A1. He would further submit that the petitioner along with the other accused, while travelling in a car, dashed against the two-wheeler driven by the deceased. He would further submit that the petitioner has no previous cases against him and co-accused have been released on bail on the same day of occurrence. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.



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6. Considering the nature of offence and also the number of days of incarceration undergone by the petitioner and also taking into consideration that co-accused have been released on bail and all other aspects, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] 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 No.VIII, Coimbatore**, and on further conditions that:

[b] the Petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter, as and when required for interrogation.

[c] the Petitioner shall not commit any offences of similar nature.

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

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



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[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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To

- 1.The Judicial Magistrate No.VIII, Coimbatore.
- 2.The Inspector of Police,
Traffic Investigation Wing East Police Station,
Coimbatore.
- 3.Central Prison, Coimbatore.
- 4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J
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