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CRL O.P. No.21333 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.21333 of 2024

P.Sudhakaran

... Petitioner / Accused-3

Vs

State rep. by
The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.

(Crime No.201 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the Petitioner on bail in Crime No.201 of 2024, on the file of the respondent.

For Petitioner : Mr.G.Kesavan

For Respondent : Mr.S.Vinothkumar
Government Advocate
(Criminal Side)



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CRL O.P. No.21333 of 2024

ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.08.2024 for the offences punishable under Sections 281, 106, 303(2) of BNS, 2023 and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.201 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the defacto complainant is a VAO. On 30.07.2024, he received an information that a tractor attached with trailer was collided with a JCB driven by the petitioner and two persons who travelled in the tractor died on spot. Based on that, the defacto complainant went to the spot and found a swaraj tractor with Regn.No.TN-23-BV-0162 which contained gravel sand. Hence, the case.

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 that the petitioner is only a driver of the JCB vehicle and due to rash and negligent driving of the driver of the tractor,



CRL O.P. No.21333 of 2024

the said accident occurred and the petitioner has nothing to do with the alleged offence. He would further submit that the petitioner has been in custody for more than 30 days and there is no previous case as against the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent would submit that the petitioner drove JCB vehicle in a rash and negligent manner and dashed against the tractor bearing Regn.No.TN-23-BV-0162 and caused death of two persons. He would further submit that there is no previous case against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

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

6. Considering the nature of offences and that there is no previous case pending against the petitioner and considering that co-accused in this case was released on anticipatory bail and that the number of days of incarceration undergone by the petitioner, 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



CRL O.P. No.21333 of 2024

Thousand only) with two sureties each for a like sum to the satisfaction of the **Judicial Magistrate – II, Dharmapuri**, 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 to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the Petitioner shall not abscond either during investigation or trial;

[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]; and

[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 – II, Dharmapuri.
- 2.The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.
- 3.Sub Jail, Dharmapuri.
- 4.The Public Prosecutor, High Court, Madras.



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CRL O.P. No.21333 of 2024

P.DHANABAL,J.
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CRL.OP.No.21333 of 2024

02.09.2024