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Crl.O.P.No.21970 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

Crl.O.P.No.21970 of 2024

Venkatesan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Avadi Traffic Investigation Wing, Police Station,
Avadi, Chennai.

(Crime No. 499 of 2024).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in Crime No. 499 of 2024 on the file
of the respondent Police.

For Petitioner : Mr.M. Jai Singh

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 19.08.2024, for the alleged offence punishable under Sections 281,106(1)
altered to 281, 105 of BNS, 2023 in Crime No.499 of 2024, on the file of the
respondent police, seeks bail.



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2. The case of the prosecution is that due to the rash and negligent driving of the petitioner, the deceased who travelled with the petitioner in the vehicle fell down and sustained injuries and he was succumbed to the injuries in the spot itself. Hence, the complaint.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He has not committed any offence as alleged in the FIR. He would further submit that the petitioner was arrested and is in judicial custody from 19.08.2024, and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the rash and negligent driving of the petitioner, the deceased fell down and sustained injuries and he was succumbed to the injuries in the spot itself. He further submitted that the petitioner has no previous cases, pending against him. However, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record including the First Information Report.



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6.Considering the submissions of the learned counsel on either side, and taking note of the period of incarceration undergone by the petitioner and that the petitioner has no previous cases pending against him and also considering all others factors, I am inclined to grant bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Ambattur, and on further conditions that:-

[a] 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.

[b] the petitioner shall not commit any offences of similar nature.

[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.



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[e] 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

06.09.2024

smn

To

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



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P.DHANABAL, J.

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