



Crl.O.P.No.22110 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2024

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.22110 of 2024

Prabhakaran

...Petitioner/Accused

Vs.

The State rep by its
The Sub Inspector of Police,
Sankari Police Station,
Salem City.

(Crime No.637 of 2017)

...Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, 2023, praying to enlarge the petitioner on bail in C.C.No.172 of 2024 on the file of the Judicial Magistrate No.I, Sankari.

For Petitioner : Mr.T.Muruganantham

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



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ORDER

The petitioner seeks bail in C.C.No.172 of 2024 on the file of the Judicial Magistrate No.I, Sankari, for the offences under Sections 279 and 304(a) of IPC and Section 181(3) of M.V.Act. The petitioner has been remanded to judicial custody on 18.08.2024 on execution of NBW issued against him on 30.01.2024.

2.The case of the prosecution is that on 28.12.2017, while the defacto complainant's father was going to his relatives house by TVS XL bike bearing Regn.No.TN-28-V-5241, the petitioner, who was coming opposite in a two-wheeler bearing Regn.No.TN-54-E-7723, dashed against the defacto complainant's father and the defacto complainant's father sustained grievous injuries and died. Hence, the case.

3.Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that investigation has been completed and final report has also been filed. He also submitted that due to health issues of the petitioner, he could not appear before the Trial Court, as a result of non appearance,



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NBW was issued. Hence, he prays for grant of bail to the petitioner.

4.Learned Government Advocate submitted that the petitioner on 28.12.2017, while the defacto complainant's father was going to his relatives house by TVS XL bike bearing Regn.No.TN-28-V-5241, the petitioner who was coming in a two-wheeler bearing Regn.No.TN-54-E-7723 dashed against the defacto complainant's father and caused death of the defacto complainant's. He further submitted that NBW was issued against the petitioner on 30.01.2024 and he was secured only on 18.08.2024. He also submitted that investigation has been completed and final report has also been filed and the same has been numbered as C.C.No.172 of 2024 on the file of the Judicial Magistrate No.I, Sankari. He would further submit that the case is now posted for examination of further witnesses. However, he vehemently opposed to grant bail to the petitioner.

5.I have heard the representation made by the learned counsel on both side.

6. Considering that bail was already granted to the petitioner and thereafter, due to his non appearance before the Trial Court, NBW was



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issued and the same has been executed and considering the number of days of incarceration undergone by the petitioner and the case is now posted for examination of further witnesses, this Court is inclined to grant bail to the petitioner with certain 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.I, Sankari**, and on further conditions that;

[b] the Petitioner shall report before the Trial Court on all working days at 10.30 a.m., until further orders.

[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



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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.

12.09.2024

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To

1.The Judicial Magistrate No.I, Sankari.

2.Central Prison, Salem.

3.The Sub Inspector of Police,
Sankari Police Station,
Salem City.

4.The Public Prosecutor,
High Court of Madras.

P.DHANABAL, J.

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