



Crl.OP.No.24556 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner seek anticipatory bail in Cr.No.187 of 2023 registered by the respondent police for the offence punishable under Sections 279, 304A @ 279, 304A, 201, 203, 420 and 511 of IPC.

2. It is the case of the prosecution that on 16.06.2023, the defacto complainant had stated that her husband who was riding a Honda Motorcycle bearing Regn.No.TN-20-BS-9978 while going towards Pazhavalam from Vettavalam, the driver of a Tractor viz., Sonalika bearing Regn.No.TN-25-BS-9432 which was without any number plate had dashed against the husband of the defacto complainant. He died on the spot. A case was registered in FIR in Cr.No.187 of 2023 under Sections 279, 304A IPC. It was found that the Tractor was an unregistered vehicle. The accused persons, however had changed the number of the Tractor and it is stated that therefore the present FIR came to be registered.



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3. The respondent police have seized both the Tractors, namely the Tractor involved in the accident and the Tractor which had been handed over.

4. Taking all the factors into consideration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

4. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the *learned Judicial Magistrate -II, Thiruvannamalai* on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioner and 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., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond 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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5. The respondent police may hand over both the tractors to the learned Judicial Magistrate -II, Thiruvannamalai, who may, either retain them or hand them over to the Revenue Officials.

6. If any application is filed for return of the Tractors, necessary credentials of the applicants may be examined and appropriate orders passed.

7. With the above directions, this Criminal Original Petition is ordered.

04.01.2024

Vv



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