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CRL O.P. No.25610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25610 of 2024

Srinivasan,
S/o.Chinnasamy

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
Thirupathur Town Police Station,
Thirupathur District.
[Cr.No.37 of 2019]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.37 of 2019 on the file of the respondent police.

For Petitioner : Mr.S.Sasikumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.09.2024 for the offences punishable under section 308 of IPC in P.R.C.No.8 of 2023 in Crime No.37 of 2019 on the file of the Judicial Magistrate-I, Thirupathur, seeks bail.

2. The case of the prosecution is that the petitioner was hit the complainant by auto in a rash and negligent manner under intoxication. Hence, the complaint.

3. The learned counsel for the petitioner would contend that already the trial Court was granted bail to the petitioner, due to his non appearance the trial Court has issued Non Bailable Warrant against the petitioner on 21.06.2023 and the same was executed by the respondent police and the petitioner was arrested and remanded to judicial custody on 20.09.2024. The petitioner met with an accident and he severely affected and he used the walker to walk normally. The petitioner could not appear before the trial



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Court only for the said bonafide reasons only. This petitioner has not committed any offence as alleged by the prosecution. This petitioner has been falsely implicated in this case. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner was hit the complainant by auto in a rash and negligent manner under intoxication. Already, the trial Court was granted bail to the petitioner, due to his non appearance the trial Court had issued Nonailable Warrant against the petitioner on 21.06.2023 and the same was executed by the respondent police and the petitioner was arrested and remanded to judicial custody on 20.09.2024. Hence, he objected to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.



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6. Considering the rival submissions on either side and considering the nature of offence, already the trial Court has granted bail to the petitioner, due to his non-appearance, the trial court had issued Non Bailable Warrant against the petitioner and the same was executed by the respondent police, the petitioner is in judicial custody from 20.09.2024 and the sessions case is posted for committal and also considering the period 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 Thousand only) with two sureties, each for a like sum to the satisfaction of the learned **Judicial Magistrate No.1, Thirupathur** and on further conditions that:

[b] the petitioner shall report before the concerned jurisdictional Magistrate on all working days at 10.30a.m until further orders;



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[c] the petitioner shall attend in accordance with the conditions of the bond;

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[e] 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 or tamper with the evidence;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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].



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[h] If the accused thereafter absconds, a fresh FIR can be registered

under Section 269 B.N.S.

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index: Yes/No

Internet: Yes/No

Speaking/Non Speaking order

gvn

To

1. The Judicial Magistrate No.1, Thirupathur.

2. The Inspector of Police,
Thirupathur Town Police Station,
Thirupathur District.

3. Sub-Jail, Thirupathur.

4. The Public Prosecutor,
High Court, Madras.



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P.DHANABAL,J
gvn

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