



Crl.O.P.No.28612 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.28612 of 2024

Nandalal
S/o/Swaminathan

... Petitioner

Vs.

State Represented by
The Inspector of Police
K-10, Koyambedu Traffic Investigation
Chennai, Tamil Nadu

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of BNSS, to enlarge the petitioner on bail, in Crime No.223/km2 of 2024, pending investigation on the file of the respondent police.

For petitioner : Mr.T.R.Prabhakaran

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed by the petitioner, who was arrested and remanded to judicial custody on 14.10.2024, seeking bail in Crime No.223/km2 of 2024 registered for the offence under Sections 281, 125(a), 125(b), 105 of BNS and 185 MV Act.

2.The case of the prosecution is that the petitioner had driven a honda city car on 14.10.2024 in an inebriated condition in a rash and negligent manner, resulting in an accident involving three persons viz., an auto rickshaw driver, a Sub-Inspector of Police and another person. Based on the complaint a case was registered in Cr.No.223/km2 of 2024 for the offences u/s. 281, 125(a), 125(b), 110 of BNS and 185 MV Act. While undergoing treatment, one of the victims succumbed to injuries on 23.10.2024, consequently, the Sections were altered as u/s. 281, 125(a), 125(b), 105 of BNS and 185 MV Act. Hence, the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner lost control of the vehicle while attempting to save a person, who suddenly came in the way, which resulted in the accident. He further submitted that the petitioner is working in the IT sector and has been in custody from



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14.10.2024. He further submitted that the major part of investigation has been completed. He further submitted that without prejudice to his defense and contention, the petitioner is ready and willing to deposit an amount of Rs.1,00,000/- to the credit of Crime Number and the petitioner has no objection to the said amount of Rs.1,00,000/- being disbursed to the wife of the victim viz., R.Vasanth. Hence, he prayed for grant of bail to the Petitioner.

4.Learned Government Advocate (Crl. Side) appearing for the respondent police while opposing the grant of bail to the petitioner submitted that on 14.10.2024, the petitioner had driven a car in a rash and negligent manner in an inebriated condition and that he had dashed against three persons, out of which one person succumbed to injuries during treatment. He further submitted that investigation in this matter is still pending.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record.



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6. On considering the voluntary submission made by the learned counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Cr.No.223/km2 of 2024, without prejudice to his rights and contentions before the trial Court.

7. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts and the submissions made by the learned counsel on either side and also considering the period of incarceration that the petitioner is in custody from 14.10.2024, this Court is inclined to grant bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of **Rs.1,00,000/- (Rupees one lakh only)** to the credit of Cr.No.223/km2 of 2024, without prejudice to his rights and contentions before the trial Court and on such deposit, the learned Magistrate concerned shall issue notice to the wife of the victim viz., Mrs.R.Vasantha and



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disburse the said amount of Rs.1,00,000/- to her on filing proper petition. On production of proof of deposit of the same, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **VI Metropolitan Magistrate at Egmore, Chennai**, and on further conditions that:

[a] 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 appear before the respondent police, everyday at 06.30 p.m., for a period of two weeks and thereafter on every Saturday at 06.30 pm until further orders;

[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;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down



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by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala***
[(2005)AIR SCW 5560];

[f] If the accused thereafter abscond, a fresh FIR can
be registered under Section 269 B.N.S.

15.11.2024

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To

- 1.The VI Metropolitan Magistrate,
Egmore, Chennai
- 2.The Inspector of Police
K-10, Koyambedu Traffic Investigation
Chennai, Tamil Nadu
- 3.The Central Prison
Puzhal, Chennai.
- 4.The Public Prosecutor
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.
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