



CrI.O.P.No.28739 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.O.P.No.28739 of 2023

Siddarth S/o. Ganesh

...Petitioner/Accused

Vs.

State represented by
The Sub Inspector of Police,
Perumanallur Police Station,
Tiruppur District.

(Crime No.495 of 2023)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail concerned in Crime No.495 of 2023 on the file of the respondent, on such terms and conditions.

For Petitioner : Mr.M.Subash

For Respondent : Mr.L.Baskaran
Government Advocate (CrI. Side)



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ORDER

The petitioner seeks bail in Crime No.495 of 2023, registered by the respondent for the offences under Sections 279, 337, 304(ii) of IPC. The petitioner had been remanded to custody on 14.11.2023.

2.It is the case of the prosecution that the son of the defacto complainant was on the way to temple along with his wife and six month old female child in his car and at that time, the accused had driven a BMW car bearing Regn.No.TN-02-AV-9005 along with four friends in rash and negligent manner and dashed against the vehicle of the son of the defacto complainant and caused an accident. Owing to the said accident, the son and grand child died. The daughter-in-law of the defacto complainant had been admitted to hospital on 14.11.2023 and was discharged only on 26.11.2023.

3.It is stated on behalf of the respondent who filed their counter that she had incurred medical expenses of Rs.2,17,042/-. The learned counsel for the petitioner had filed an affidavit sworn in by the mother of



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the petitioner herein wherein it had been stated that she is willing to compensate the loss suffered by the injured and also bear the medical expenses. The amount of Rs.1/- lakh has been stated as they are ready to pay but however, the cost of medical treatment has exceeded that amount.

4.In view of all these facts and the period of incarceration and also the fact that the petitioner expressed remorse for the occurrence, I am inclined to grant bail to the petitioner subject to the following conditions:

5.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, Avinashi, 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 report before the respondent police everyday at 10.30 a.m., until further orders.



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[c] the petitioner shall deposit a sum of Rs.2,50,000/- to the credit of Crime No.495 of 2023 and on such deposit, the learned Judicial Magistrate, Avinashi, may hand it over to the defacto complainant. This amount is only towards the medical expenses incurred by the injured.

[d] the petitioner shall not abscond either during investigation or trial.

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. It is made clear that the defacto complainant and the injured are



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at liberty and have every right to claim compensation in an appropriate manner before the competent Court and this amount should not be adjusted with any compensation granted. This amount is independent of any amount granted by any competent Court as compensation for the death of the son of the defacto complainant and also the death of the grand child of the defacto complainant.

24.01.2023

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To

1. The Judicial Magistrate, Avinashi.
2. The Sub-jail, Avinashi.
3. The Sub Inspector of Police,
Perumanallur Police Station,
Tiruppur District.
4. The Public Prosecutor,
High Court of Madras.

C.V.KARTHIKEYAN. J.



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