



WEB COPY



Crl.O.P.No.28320 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

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

Crl.O.P.No.28320 of 2023

Manikanda Prabhu

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Avadi Traffic Investigation Wing
Police Station, Thiruvallur District.
Crime No.771 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.771 of 2023 on the file
of the respondent Police.

For Petitioner : Mr.J.Kamaraj

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on 13.11.2023 for the offences under Sections 279, 304(ii) of IPC and 185 of



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MV Act in Crime No.771 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner was riding a two wheeler and colluded with another two wheeler and the driver of the other two wheeler sustained injuries and died.

3.It is stated by the learned Government Advocate that the investigation has been completed.

4.The learned counsel for the petitioner stated that the petitioner is ready and willing to deposit a sum of Rs.50,000/- as interim compensation to the family members of the deceased.

5.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

6.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.II, Thiruvallur 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



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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 deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.771 of 2023 before the Judicial Magistrate No.II, Thiruvallur. On such deposit, the learned Judicial Magistrate No.II, Thiruvallur, may hand over the amount to the family members of the deceased who are able to be identified and who are the direct Class I legal heirs. This amount is independent of any further claim made by the legal representatives of the deceased under the provisions of Motor Vehicles Act.

[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.

08.01.2024

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C.V.KARTHIKEYAN,J.

Vkr

To

- 1.The Judicial Magistrate No.II, Thiruvallur.
- 2.The Central Prison, Puzhal.
- 3.The Inspector of Police,
Avadi Traffic Investigation Wing
Police Station, Thiruvallur District.
- 4.The Public Prosecutor, High Court of Madras.

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