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Crl.O.P.No.31958 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

CORAM

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

Crl.O.P.No.31958 of 2024

Arulprakash Sivaji

... Petitioner

Vs.

The State of Tamil Nadu
represented by the Inspector of Police
TIW Avadi City
Tiruvallur District
(Crime No.706 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in Crime
No.706 of 2024 on the file of the respondent Police pending investigation.

For Petitioner : Mr.K.Ashok Kumar

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

ORDER

Petition seeking bail in respect of Crime No.706 of 2024 registered for
the offences punishable under Sections 281 and 106(1) of BNS is on board for
consideration.

2.The incarceration of the petitioner being from 17.11.2024 pleading
innocence on the part of the petitioner and false implication in the case, learned



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counsel for the petitioner seeks indulgence of this Court. He also submits that the incident had happened since the riders of the two wheelers suddenly crossed the road without any signal and there is no rash and negligence on the part of the petitioner. He also submits that the petitioner was not under the influence of alcohol, the vehicle is fully insured and the petitioner holds a valid license. He also submits that the petitioner is ready to abide by any stringent condition that may be imposed by this court.

3.The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that the petitioner drove the lorry in a rash and negligent manner and dashed against two, two wheelers, due to which the riders of the two wheelers sustained grievous injuries and subsequently died.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the period of incarceration undergone by the petitioner, this court is inclined to grant bail to the petitioner with certain conditions and accordingly, 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



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Judicial Magistrate, Ambattur, 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 06.30 p.m., 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 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 269 of B.N.S.

20.12.2024

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A.D.JAGADISH CHANDIRA, J.
sai

To

1.The Judicial Magistrate, Ambattur

2.The Inspector of Police
TIW Avadi City
Tiruvallur District

3.The Superintendent,
Puzhal Prison,
Chennai.

4.The Public Prosecutor,
High Court of Madras.

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