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Crl.O.P.No.31670 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

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

Crl.O.P.No.31670 of 2024

P.Naresh Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Traffic Investigation Wing,
Redhills Police Station.

(Crime No.739 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on bail, in connection with Crime No.739 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Jaikumar

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

ORDER

Petition seeking bail in respect of Crime No.739 of 2024 registered for the offences punishable under Sections 281 & 110 of BNS and Rule 239 of Tamil Nadu Motor Vehicles Rules, 1989, is on board for consideration.



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2. The incarceration of the petitioner being from 07.12.2024 pleading innocence on the part of the petitioner and false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He also submits that despite the instructions given by the petitioner not to travel on the top of the vehicle with the load, the victim did not listen to the same. He further submits that the petitioner, who is the owner cum driver of the vehicle, has nothing to do with the alleged offence and the incident is only an accidental and there is no intention or motive on the part of the petitioner to cause the death of the deceased. 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 husband of the de facto complainant/victim was working as a load man in Rapid Run Home Service in part time and on the alleged date of occurrence, due to the rash and negligent driving of the petitioner/accused, the victim slipped down from the vehicle and succumbed to injuries. He further submits that the investigation in this case is still pending.

4. Having heard the learned counsel for the petitioner and the learned



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Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record and considering the facts of the case, 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 **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 10.30 a.m. for a period of two weeks and thereafter, on every Saturday at 10.30 a.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



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Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];***

A.D.JAGADISH CHANDIRA.,J.

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

19.12.2024

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To

1. The Judicial Magistrate,
Ambattur.
2. The Inspector of Police,
Traffic Investigation Wing,
Redhills Police Station.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.

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