



CRL OP(MD)No.2941 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2024

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD)No.2941 of 2024

Gopi

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Suchindram Police Station,
Kanniyakumari District,
Crime No.47/2024.

... Respondent/Complainant

For Petitioner : Mr.G.Aravinthan, Advocate.
For Respondent : Mr.B.Nambi Selvan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Crime No.47/2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 12.02.2024 for the offences punishable under Section 304(2) IPC in Crime No.47 of 2024, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner drove the vehicle in a rash



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and negligent manner and dashed against the defacto complainant's son, thereby, her son lost his life. Hence, the case.

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3.The learned counsel appearing for the petitioner submitted that on 26.02.2024, as per the undertaking given by the petitioner, this Court granted interim bail to the petitioner on condition that he should deposit a sum of Rs.3,50,000/- each in the name of the children of the defacto complainant by way of Fixed Deposit in any one of the Nationalized Bank, without prejudice to his rights and contentions before the trial Court. He further submitted that the said condition was complied with by the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the conditional order of this Court has been complied with by the petitioner.

5.In view of the above, the interim bail granted by this Court, on 26.02.2024, is made absolute and there is no need to surrender.

6.Accordingly, the petitioner is ordered to be released on bail on his executing 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.III, Nagercoil, Kanniyakumari and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass

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Book to ensure their identity;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 A.M., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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04/03/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gns

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TO

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1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL, KANNIYAKUMARI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

3 THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.

4 THE INSPECTOR OF POLICE, SUCHINDRAM POLICE STATION,
KANNIYAKUMARI DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.ARAVINTHAN, Advocate (SR-2662[I] dated 04/03/2024)

ORDER

IN

CRL OP(MD) No.2941 of 2024

Date :04/03/2024

RS//SAR-(04.03.2024) 4P 7C

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