



CRL OP(MD) No.3966 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Thirteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3966 of 2024

1 S K V RAJA @ RAJASEKARAN

2 S K V ARIVAZHAGAN @ ARIVAZHAGAN

... PETITIONERS / ACCUSED No.1 & 2

Vs

THE INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION,
TIRUCHIRAPPALLI DISTRICT,
CR.NO.42/2024

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.KISHORE RAM.K.R. Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO. 42/2024 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 & 2, who apprehend arrest at the hands of the respondent



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police for the alleged offence punishable under Sections 147, 148, 294(b), 323, 353, 427 and 506(2) IPC in Crime No.42 of 2024, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Sub-Inspector of Police. On 01.02.2024, when the Police officials and Armed Police Officials were on security duty, one Loganathan, who is the Driver of the Armed Force vehicle, drove the vehicle in a rash and negligent manner and ran over to a two wheeler, due to which, the driver of the two wheeler succumbed to injuries and pillion rider died on the spot, in front of A1's house. Therefore, the petitioners and other accused smashed the glasses and toppled the said police van and caused damage worth about Rs.50,000/-. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. Further, the learned counsel produced a footage of the accident.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the petitioners are having 14 previous cases, in which, 6 cases were disposed of. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



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5. On perusal of video footage produced by the learned counsel for the petitioners reveals that the Driver of the Armed Force vehicle drove the vehicle in a rash and negligent manner and dashed against the two wheeler, in which, the two wheeler was dragged more than 100 meters. Hence, the petitioners and others rushed to the spot, in order to rescue the riders of the two wheeler. However, the riders of the two wheeler died. The offence committed by the said Loganathan is not simple one and the same is heinous one. The Superintendent of Police, Tiruchirappalli District is directed to peruse the video clippings and take appropriate action as against the Driver of the Armed Force vehicle.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are granted anticipatory bail and they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thottiyam on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties



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each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners are directed to appear before the respondent police as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;



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(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

sd/-
13/03/2024

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/03/2024

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

GNS
TO

- 1 THE JUDICIAL MAGISTRATE,
THOTTIYAM,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION, TIRUCHIRAPPALLI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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COPY TO:

THE SUPERINTENDENT OF POLICE,
TIRUCHIRAPPALLI.

+2 CC to M/s.B.ASWIN BALASOMESHWERAR, Advocate (SR-3125[I] dated
13/03/2024)

ORDER
IN

CRL OP(MD) No.3966 of 2024
Date :13/03/2024

SS/GS/SAR- /18/03/2024/6P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023