



CRL OP(MD). No.8748 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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Vijay,

... Petitioner/ Accused Rank Not Known

Vs

The State represented by
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District,
Cr.No.522/2021.

... Respondent/Complainant

For Petitioner : Mr.B.Arun,Advocate

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime no.522 of 2021 on the file of the respondent police



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ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.522 of 2021, for the offence punishable under Sections 304(2) of IPC r/w Section 177 of the Motor Vehicles Act 1988, has filed this petition seeking anticipatory bail.

2. The case of the prosecution is that due to rash and negligent driving, the car, which was driven by the first accused met with an accident. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner, himself is a victim in this occurrence. He travelled in the car, which capsized on the occurrence day. The first accused is the driver of the vehicle. All the occupants had sustained injury. The petitioner had sustained serious head injury and for the past three years, he is taking treatment. The respondent police have not served any summons and therefore, he is not aware of the case, which is pending against him. The learned Counsel for the petitioner has also produced photographs of the injured petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that a non-bailable warrant is pending against the petitioner. In view of the absence of the petitioner, the case, which was registered as against the accused



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has been committed to the Sessions Court concerned, as far as the other accused are concerned. Still, the case is pending against the petitioner, before the learned Judicial Magistrate, Kamudhi, in P.R.C.No.30 of 2023.

5.The photographs, which are placed before this Court disclose the nature of injury sustained by the petitioner. It appears that the respondent police has conducted the investigation and filed the final report in a mechanical manner and have also not taken any steps to serve summons on the petitioner. Due to the negligence on the part of the respondent police, the trial Court was also constrained to split up the case as against the other accused and had committed the same to the Court of Sessions.

6. Considering the facts and circumstances of the case and also considering that the petitioner has now come forward to appear before the concerned Court, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the concerned learned Judicial Magistrate on condition that

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties each for a like sum to the satisfaction of the



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learned Judicial Magistrate, Kamudhi, Ramanathapuram District.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioner shall appear before the learned Judicial Magistrate, Kamudhi, Ramanathapuram District, for all the hearings, till the committal proceedings is over and co-operate for the trial.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

(v) On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
14/06/2024

/ TRUE COPY /

/06/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

1 THE JUDICIAL MAGISTRATE
KAMUDHI, RAMANATHAPURAM.



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- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.ARUN, Advocate (SR-6531[I] dated 14/06/2024)

+1 CC to M/s.B.ARUN, Advocate (SR-6689[I] dated 19/06/2024)

ORDER
IN
CRL OP(MD) No.8748 of 2024
Date :14/06/2024

PKP/GS/SAR /21.06.2024/ 5P/7C

Madurai Bench of Madras High Court is issuing certified
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