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Cr.O.P.No.3152 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 3152 of 2025

ERUSAN

S/o.Ponnan, Main Road, Nagalur Village,
Kallakurichi District.

Petitioner(s)

Vs

The State Rep By, The Inspector Of Police,
Varanjaram Police Station, Kallakurichi District.
Cr.No.338/2024.

Respondent

PRAYER: Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioner on bail, in connection with Crime No.338 of 2024, pending investigation on the file of the respondent Police.

For Petitioner : M/s. S.J.Raja Janakiraman

For Respondent : Mr. A. Gopinath
Government Advocate (Crl.Side)

ORDER

This petition has been filed seeking bail in respect of Crime No.338 of 2024 registered for the alleged offences punishable under Sections 281, 125(a), 105 of BNS r/w 185 of MV Act, later altered @ under Sections 281,125(a), 105, 106 (Secs-279,337,304,304A of IPC) r/w Section 185 of the Motor



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Vehicle Act is on board for consideration.

2. The case of the prosecution is that the *de facto* complainant's father in law was walking on the road and he was hit by a two wheeler ridden by the petitioner in an inebriated condition, in which accident, he sustained injuries and later died in the hospital. Hence, this case.

3. The learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case and the petitioner is ready to abide by any stringent condition that may be imposed by this Court, he would also co-operate for the investigation and hence, prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioner rode his two wheeler in a rash and negligent way and caused the death of the *de facto* complainant's father in law and hence, should not be granted bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner and the



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learned Government Advocate (Crl.Side) for the respondent Police and also perused the materials available on record.

6. Taking into consideration the nature of offence the petitioner is charged against and the submissions made by the learned counsels on either side and also considering the period of incarceration undergone by the petitioner and the fact that further custody of the petitioner is not required for the purpose of investigation, this Court is inclined to grant bail to the petitioner with certain conditions.

7. 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 -I, Kallakurichi** 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., until further orders;



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[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.

07.02.2025

vca

To

1. The Judicial Magistrate -I, Kallakurichi
2. The State Rep By, The Inspector Of Police,



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Varanjaram Police Station, Kallakurichi District.
Cr.No.338/2024.

3. The Superintendent,
Central Prison, Cuddalore

4. The Public Prosecutor,
High Court of Madras.

SUNDER MOHAN, J.

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