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CRL OP No. 24341 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL OP No. 24341 of 2025

1. Suthahar,
s/o. Pongalandi,
No.233, T.Nedungulam,
Therkuchandanur, S karaikudi,
Sivagangai - 630606.

2. Mahalingam
S/o.Muthuraman, Old No. 57, New
No.40, Muthuramman Kovil Street,
Ambasamudram, Kallidaikurichi,
Tirunelveli - 627416.

Petitioner(s)

Vs

State Represented by,
Inspector of Police
TIW West Police Station,
Coimbatore District.
(Crime No. 396/2025)

Respondent(s)



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PRAYER

WEB TO ENLARGE To enlarge the petitioners on bail in Cr.No. 396/2025 on the file of the respondent police.

For Petitioner(s): Mr. S.Esakkimuthu

For Respondent(s): Mr.A.Gopinath,
Govt. Advocate (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 10.08.2025 for the alleged offence under Section 184 of MV Act and Sec.281, 105, 54 of BNS in Crime No.396 of 2025 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 10.08.2025, when the petitioners drew the bus in a rash and negligent manner, the deceased went to work by his two wheeler, at that time, without indicating any signal and negligently opened the door of luggage portion of the bus and suddenly it hit him, due to which, he fell down and sustained injuries all over the body and died on the spot. Accordingly, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioners submitted that there is no specific overtact attributed against the petitioners and they are no way



connected with the offence. He would submit that they have not at all committed any of offence as alleged by the respondent police and they have been falsely implicated in this case and they will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioners have been suffering incarceration for more than 61 days from 10.08.2025. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that the door of luggage portion of bus was not properly locked, due to which, the accident happened, thereby he sustained head injury and died. He would submit that totally there are two accused involved in this case, in which the petitioners are arrayed as A1 and A2 and no previous case pending against them. He would submit that that if they are released on bail, they would tamper the witnesses and hamper the investigation and the investigation was completed. Hence, he vehemently opposed to grant bail to the petitioners.

5. On seeing the facts, the fact reveals that due to the negligence of petitioners, who are driver and conductor of bus, accident happened, as a result of which, the luggage door of bus opened, it hit the deceased, thereby he sustained injuries and died. However, considering the fact that investigation completed and the fact that there is no previous case pending against them and



also considering the period of incarceration undergone by the petitioners from 10.08.2025 for more than 61 days, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are directed to **deposit a sum of Rs.25,000/- each, totally a sum of Rs.50,000/- (Rupees fifty thousand only) into the credit of Crime No.396 of 2025 before the concerned Magistrate within a period of two weeks from the date of receipt of copy of this order and on such deposit, the defacto complainant is permitted to withdraw the amount on filing undertaking affidavit and on production of proper identification and acknowledgement. On such deposit, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each, in which one surety must be a blood surety, for a like sum to the satisfaction of the Judicial Magistrate-8, Coimbatore, and on further conditions that:**

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police on every Saturday at 10.30 a.m. for the period of eight weeks;



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(c) the petitioners shall not commit any offences of similar nature;

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

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

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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Index: Yes/No

Speaking/Non-speaking order

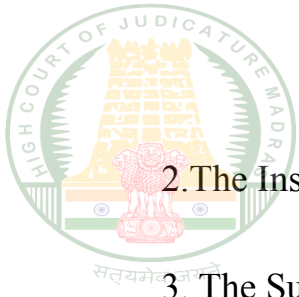
Internet: Yes

Neutral Citation: Yes/No

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To

1. The Judicial Magistrate-8, Coimbatore.



2. The Inspector of Police, TIW West Police Station, Coimbatore Dt.

3. The Superintendent of Prison, Central Prison, Coimbatore.

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4. The Public Prosecutor, High Court, Madras

Note :-

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the Official Website of this Court will be watermarked and will also have a QR Code.



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T.V.THAMILSELVI J.

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