

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.15390 of 2018

IYAPPAN PREM KUMAR

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE

[RESPONDENT]

J-2, ADYAR TRAFFIC POLICE STATION,
ADYAR, CHENNAI-20,
CR.NO.263/AM2/2018.

For Petitioner : M/S.RAM AND RAM Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 308 of IPC and Sections 184 and 185 of Motor Vehicles Act, 1988 and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.263/AM2/2018, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution as per the defacto complainant Sindukumar is that on 07.06.2018 around 1.00.a.m., the petitioner under the influence of alcohol, driven the car in a rash and negligent manner and hit against the compound wall of the shop and caused damage to the Iron Shutter and further due to the rash act, the other co-occupants of the car and the petitioner sustained injuries.

4. The learned counsel for the petitioner submitted that it was an accident and that nothing was done intentionally. He would further submit that injured occupants of the car have been given first aid and they have been discharged after taking treatment as outpatients. He would also submit that the petitioner has also paid an amount of Rs.65,000/- towards the damage caused to the shutter of the shop.

5. The learned Additional Public Prosecutor would submit that the petitioner had driven the car under the influence of alcohol and caused damage to the iron shutter of the shop.

6. Taking into consideration the facts of the case and the submissions made by the counsels and that the injured have been treated as outpatient and that the complainant has been compensated, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
25/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XVIII METROPOLITAN
MAGISTRATE, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE INSPECTOR OF POLICE
J-2, ADYAR TRAFFIC POLICE STATION,
ADYAR, CHENNAI-20,

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.RAM AND RAM Advocate on payment of necessary charges

CRL OP.15390/2018

Date :25/06/2018

MLT-04/07/2018