

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.8480 of 2020

1.Kamesh, M/A 27 years,
S/o Manogaran,
No.2/27, Bajanai Koil Street,
Moulivakkam, Chennai.

2.Rajiv Gandhi, M/A 25 years,
S/o Sankaran,
No.8/75, Bajanai Koil Street,
Moulivakkam, Chennai.

..Petitioners/A-1 & A-2

/vs/

State rep.by
Inspector of Police,
Mangadu Police Station,
Kancheepuram Dt.
(Crime No.876 of 2020)

..Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of the Cr.P.C. to enlarge the petitioners on bail in event of his arrest by the respondent police concerned in Crime No.876 of 2020 on the file of Inspector of Police, Mangadu Police Station, Kancheepuram District on our appearance before the concerned Court.

For Petitioners
For Respondent

: Mr.D.Prasanna Kumar
: Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 and 506(ii) of Indian Penal Code in Crime No.876 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were involved in bike race in a public road and they caused life threat to the users of the public road. When this was questioned by the defacto complainant, the petitioners had abused and intimidated and had also caused injuries to him.

3.The learned counsel for the petitioners submitted that they did not attack the defacto complainant and they merely questioned him.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the petitioners were driving their vehicle in a rash and negligent manner and actually indulged in a bike race in a public road. The learned counsel further submitted that the injured has already been discharged from the hospital and there are no previous cases against the petitioners.

5.Taking note of the fact and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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 on which the

order copy made ready, before the learned District Munsif-cum-Judicial Magistrate, Sriperumbudur, on condition that the petitioners shall execute separate bond for a sum of Rs.5,000/-(Rupees five thousand only)each 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 learned Magistrate concerned, failing which the petition for anticipatory bail shall stand dismissed and on further condition that:

(a)the petitioners and 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 petitioners shall surrender their motor bike before the respondent police;

(c)the petitioners shall report 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.

(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).

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

11.06.2020

Index:yes/no

Speaking order/non speaking order
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To:

1. The District Munsif-cum-Judicial Magistrate Court, Sriperumbudur.
2. The Inspector of Police, Mangadu Police Station, Kancheepuram District.
- 3.The Public Prosecutor, High Court, Madras.

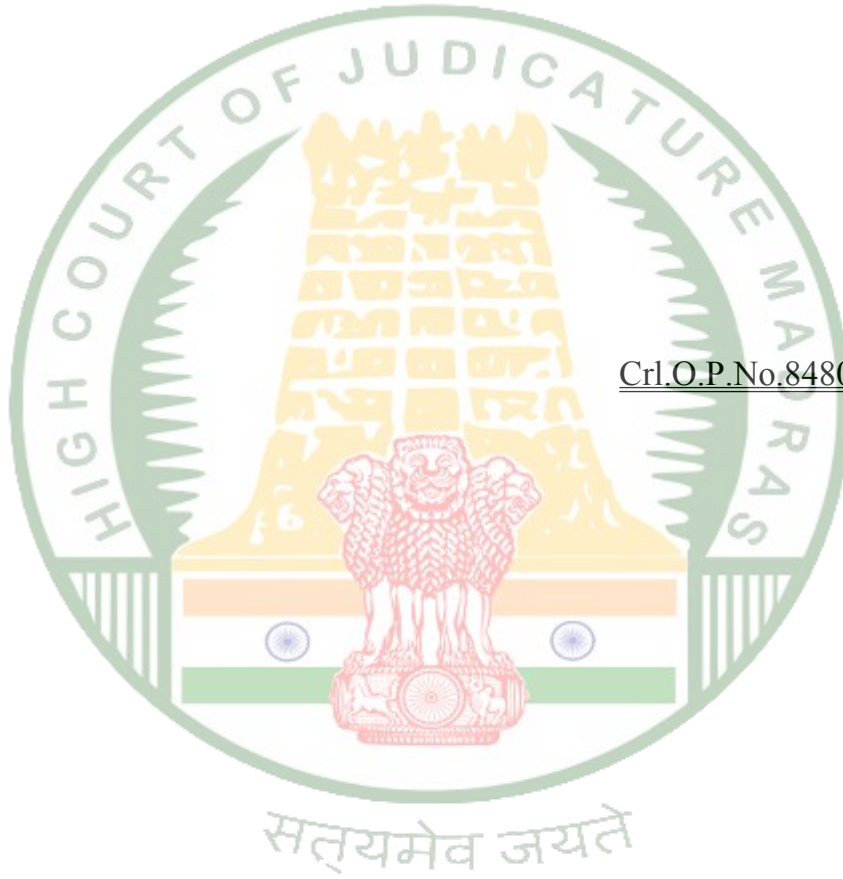


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CrI.O.P.No.8480 of 2020

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CrI.O.P.No.8480 of 2020

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