

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2020

CORAM :

THE HON'BLE Mr. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.11181 of 2020

Vijay

... Petitioner

- Vs. -

The State Represented by,
The Inspector of Police,
K-4, Anna Nagar,
TIW P.S, Chennai.
(Crime No.85 of 2020).

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail pending investigation in Crime No.85 of 2020 on the file of the respondent police.

For Petitioner : Mr. Syed Rayhan

For Respondent : Mr. T. Shanmugarajeswaran,
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 23.06.2020 for the offences punishable under Sections 279, 337 and 308 of the Indian Penal Code, 1860, in Crime No. 85 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had driven a motorcycle under the influence of alcohol and hit against the Traffic Inspector when he had tried to stop his vehicle for verification and caused injury to him. Hence, the case.

3. The learned counsel for the Petitioner would submit that the petitioner is an innocent person. Since he argued with the Traffic Inspector, a false case has been foisted against him. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner had driven the motorcycle in a rash and negligent manner under the influence of alcohol and when the Traffic Inspector attempted to stop the

vehicle, he dashed against the Traffic Inspector due to which, he sustained injuries on his nose and both legs. He would further submit that investigation is still pending and that the injured has been discharged from the hospital. However, he vehemently opposed to grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the Petitioner subject to the following conditions:-

(a) Accordingly, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned V Metropolitan Magistrate, Egmore, Chennai, **within a period of 15 days from the date of lifting of the lockdown or the commencement of the Court's normal functioning whichever is earlier**, failing which, the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

(e) the Petitioner shall not commit any offences of similar nature;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

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

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
27/07/2020

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 V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-4 ANNA NAGAR,
TIW P.S,

5 THE OFFICER INCHARGE,
SUB JAIL, POONAMALLEE.

CC to M/S. SYED RAYHAN Advocate on payment of necessary charges

CRL OP.11181/2020

Date :27/07/2020

TA-16/09/2020

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