

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2020

CORAM :

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

Cr1.O.P.No.12731 of 2020

N.Ashok Kumar

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thadagam Police Station,
Coimbatore District.
(Crime No.7 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioner on bail, in the event his arrest or on his appearance before any Court in connection with Crime No.7 of 2019 on the file of the respondent Police.

For Petitioner : Mr.R.Kuyilan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 297, 337 and 304(ii) of IPC, in Crime No.7 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant Lakshmanasamy is that on 24.06.2019, the petitioner along with his friend came in the motorcycle and the petitioner as a pillion rider and his friend drove the motorcycle in a rash and negligent manner and hit against one Shobana and her daughter. Due to which, Shobana succumbed to the injury and her daughter sustained to the injury. Later it was found that the rider of the motorcycle has driven the vehicle in a drunken mood. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Even as per the complaint, the petitioner was only a pillion rider and main accused/rider of the motorcycle was arrested

and he has been enlarged on bail. Hence, he seeks to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner along with A1 have came in a motorcycle in a rash and negligent manner under the influence of Alcohol and A1 dashed against the victim. Due to which, the victim/Shobana succumbed to the injury and her daughter sustained to the injury. He would submit that the investigation is still pending and A1 was arrested and enlarged on bail.

5.Taking into consideration the facts of the case and submissions made by the learned counsels and that the petitioner was only a pillion rider and other than that no allegations against him, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Coimbatore, on condition that the petitioner shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent Police every day 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
02/09/2020

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 JUDICIAL MAGISTRATE NO.I,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THADAGAN POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.R.KUYILAN Advocate on payment of necessary
charges SR.NO.28717

CRL OP.12731/2020

Date : 02/09/2020

TA-15/09/2020

WEB COPY