

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.14468 of 2020

Subba Rao

... Petitioner

Vs.

The State Rep by,

...Respondent

The Inspector of Police,

J-3 Traffic, Guindy Police Station,

Chennai.

(Cr.No.292/S2/2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.292/S2/2020 pending on the file of the respondent police.

For Petitioner : Mr.R.Krishna Kumar

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This 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 279, 337, 338(2) counts 308 of IPC, r/w 185 Motor Vehicles Act, in Crime No.292/S2/2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant one Sunil, is that on 10.09.2020 while he was driving his motorcycle bearing Registration No.TN-22-DM-1242, near Mettukuppain junction, Khadims show room, Thoraipakkam at that time, a car bearing Registration No.TN-09-CE-3666 was driven by the petitioner / accused in a rash and negligent manner and dashed against the motorcycle of the defacto complainant, due to which, he sustained grievous injuries. During the course of investigation, it was found that the petitioner was under the influence of alcohol and committed the accident. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is a senior citizen, aged about 68 years and that he had driven the vehicle when he was under medication, due to which, the incident took place. He would further submit that the petitioner was also seriously injured. He would submit that the petitioner only has paid the medical expenses of the victims for the injury. He would submit that two victims were injured in the said accident and that the petitioner and his son admitted both of them in a reputed hospital for their treatment and also paid the medical expenses for them. He would submit that for one of the victims viz. Manikandan, the petitioner has spent around Rs.9,00,000/- and apart from that, he has also paid some compensation to the victims. He would submit that the petitioner has also seriously injured in the accident and was taking treatment as inpatient in the hospital for 30 days and after that he is still taking treatment as outpatient.

4. The learned Additional Public Prosecutor would submit that the petitioner has driven his Car in a rash and negligent manner and dashed against the defacto complainant. Due to which, two victims were injured grievously. He would submit that the petitioner had driven his car after consuming alcohol. He would submit that the petitioner has paid the entire medical expenses for the victims. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and submissions of the learned Counsel and also considering the age of the petitioner, who is a senior citizen, aged about 68 years, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned IV 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 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 daily at 10.30 a.m., for the period of two weeks and thereafter as and when required.**

[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/-

11/12/2020

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 METROPOLITAN MAGISTRATE,
NO.IV, SAIDAPET, CHENNAI

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-3 TRAFFIC, GUINDY POLICE STATION,
CHENNAI.

+1 CC to M/S. R.KRISHNA KUMAR Advocate on payment of necessary charges SR.NO.8158

CRL OP.14468/2020

Date :11/12/2020