

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17880 of 2020

Vishnu V.Rajeev

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
Traffic Investigation Wing,
Anna Square Police Station.
(Crime No.189 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.189 of 2020 on the file of the respondent police.

For Petitioner : Mr.Shinoj Narayanan

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 30.10.2020 for the offences punishable under Sections 308, 333 of IPC and Sections 184,185,177,129 of Motor Vehicle Act in Crime No.189 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the de facto complainant is that on 30.10.2020, while the respondent Police was on routine check-up near Uzhaipalaar Salai, the petitioner was found riding his two-wheeler in a rash and negligent manner. When the respondent police attempted to stop his vehicle, he dashed against the policemen on duty. On information, it was found that the petitioner was under the influence of alcohol. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is a student studying Hotel Management and there was a quarrel between the petitioner and the defacto complainant, thereby, a false complaint has been given as if the petitioner had driven the vehicle in a rash and negligent manner and dashed against the respondent police. He would submit that the petitioner was arrested on 30.10.2020 and he is in custody for more than 12 days. He would further submit that there is no previous case pending against the petitioner. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose the grant of bail stating that the petitioner had driven the vehicle under the influence of alcohol in rash and negligent manner. He would further submit that when he was intercepted by the respondent police, he dashed against them, due to which, the policemen sustained injuries. He would submit that the injured person has been discharged from the hospital. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsels and also the period of incarceration suffered by the petitioner, 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 condition to execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties each for a like sum to the satisfaction of the learned VI Metropolitan Magistrate, Egmore, Chennai, and on further conditions that:

(b) 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;

(c) the petitioner, on his release from prison, shall report before the respondent Police daily at 10.30 a.m., until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) 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/-

10/11/2020

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 VI METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION WING,
ANNA SQUARE POLICE STATION.

5 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI

CC to M/S. SHINOJ NARAYANAN Advocate on payment of necessary charges Sr.7457

CRL OP.17880/2020

Date : 10/11/2020

RVR 11/11/2020

WEB COPY