

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2020

CORAM :

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

CRL.O.P.No.20356 of 2020

Sriram

... Petitioner

Vs.

State: Inspector of Police,
J2 Adyar Traffic Investigation Wing,
Chennai.
(Crime No.387 of 2020)

.... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.387 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.S.Kaviarasu

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 06.12.2020 for the offence punishable under Section 308 of IPC R/W Section 184 and 185 of Motor Vehicles Act r/w Section 3(1) of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, in Crime No.387 of 2020, seeks bail.

2. The case of the prosecution as per the de facto complainant Sekar is that he is working as a Watchman in a private property situated at Chamiers Road, Raja Annamalai Puram, Chennai. While so, on 06.12.2020, at about 4 a.m., the accused had driven the car bearing Regn.No.TN 09 CJ 5335 in a rash and negligent manner under the influence of alcohol and dashed against the wall of the property in which the defacto complainant is working and caused severe damages to the wall. During the incident, one of the passenger in the car had also sustained grievous injuries.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner was under medication and thereby he lost his control and dashed against the wall. He would further submit that the injured has been discharged from the hospital and that the petitioner by his own funds has reconstructed the wall stated to have been damaged by the petitioner. He would further submit that the petitioner has been suffering incarceration from 06.12.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (CrI. Side) appearing for the respondent police would vehemently oppose stating that the petitioner under the influence of alcohol had driven the car in a rash and negligent manner and dashed against the wall in which the defacto complainant is working as a watchman. He would further submit that during the incident co-passenger of the car had also sustained grievous injuries.

5. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsel for the petitioner that the injured has been discharged from the hospital and the alleged wall has been reconstructed by the petitioner and also considering 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.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned XVIII Metropolitan Magistrate, Saidapet, 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 the prison, shall report before the respondent Police everyday 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/-

21/12/2020

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 XVIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
SUB JAIL, SAIDAPET, CHENNAI

5 THE INSPECTOR OF POLICE
J2 ADYAR TRAFFIC INVESTIGATION WING,
CHENNAI

CC to Mr.K.S.Kaviarasu Advocate on payment of necessary charges

सत्यमेव जयते CRL OP.20356/2020

Date :21/12/2020

RVR 22/12/2020

WEB COPY