



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21820 of 2021

N.Kallyana Kumar Narayanan

.. Petitioner

Vs.

State Rep.By
Sub-Inspector of Police
J-2, Guindy Traffic Investigation Wing,
Guindy, Chennai.
(Crime No.64 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant an anticipatory bail to the petitioner in the event of arrest in Crime No.64 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.Aravind

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 279, 338 IPC and 185 of Motor Vehicles Act, which was subsequently altered into Section 304-II IPC in Crime No.64 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on the date of occurrence, the petitioner driven his car in a rash and negligent manner and dashed against the two-wheeler which was ridden by the husband of defacto complainant from behind and sustained grievous injuries. Immediately he was hospitalized and succumbed to the injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the accident had occurred due to the rash and negligence of the deceased. He further submits that no material to show that the petitioner consumed alcohol. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl side) submits that it is a case of drunken-driving. The defacto complainant filed a petition before the Motor Accident Claims Tribunal, Chennai in MCOP.No.986 of 2021 is pending and also trial proceedings are initiated. He further submits that the investigation is almost completed.

5. Considering the submissions made by both counsel and also considering the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

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 days from the date of receipt of a copy of this order, before the learned Sessions Judge, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 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 Court concerned 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 on every Saturday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation;

(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 has been imposed and the petitioner is 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]; and;



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

-sd/-

18/11/2021

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 SESSIONS JUDGE
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 SUB INSPCTOR OF POLICE,
J2, GUINDY TRAFFIC INVESTIGATION WING,
GUINDY, CHENNAI

CC to M/S.S.ARAVIND Advocate on payment of necessary charges
Sr.12988

CRL OP.21820/2021

Date :18/11/2021

RVR 23/11/2021