



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.12.2021

CORAM:

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

Cr1.O.P.No.24466 of 2021

WEB COPY

Hariharasudhan

... Petitioner

Vs.

State Represented by
Inspector of Police,
TIW- Police Station,
Adyar, Chennai.
(Crime No.474 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to grant bail to the petitioner in Crime No.474 of 2021 on the file of the Inspector of Police, TIW- Adyar Police Station, Chennai.

For Petitioner : Mr.I.Periyaswamy

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 29.11.2021 for the offences under Sections 279, 338, 308 of IPC and 185 of M.V. Act 1988, in Crime No.474 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.11.2021 at around 8.30 a.m. the petitioner who drove his two wheeler in a rash and negligent manner, dashed against the defacto complainant's bike due to which, the defacto complainant sustained injuries and admitted in the hospital. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case. Due to the negligence of the defacto complainant, the accident took place and the



petitioner has not committed any offence as alleged by the prosecution and that the petitioner has been suffering incarceration for more than 15 days from 29.11.2021. He would further submit that the petitioner is ready and willing to pay a sum of Rs.5,000/- to any Charitable Institute as may be directed by this Court and he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner drove the vehicle in a rash and negligent manner and hit against the defacto complainant's bike due to which, the defacto complainant sustained injuries but admits that the injured has been discharged from the hospital.

5. Considering the submission made by the learned counsel for the petitioner, this Court is of the opinion that the petitioner shall be directed to make a non refundable deposit of Rs.5,000/- (Rupees Five Thousand Only), to the credit of the Tamil Nadu Advocate Clerks Association, Chennai, without prejudice to his rights and contentions. The amount so deposited shall be utilised by the Association for the welfare of the Advocates.

6. It is made clear that the deposit of the amount by the petitioner to the said Association would not amount to admission of guilt. The trial Court shall deal with the case independently on merits without reference to the amount deposited at the stage of bail.

7. Considering the facts and circumstances of the case and the investigation is almost completed and that the injured has been discharged from the hospital and also considering the period of incarceration undergone by the the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his executing 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 XVIII Metropolitan Magistrate, Saidapet, Chennai, and on further conditions that:

(a) the petitioner shall make non-refundable deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) through demand draft to the Tamil Nadu Advocate Clerks Association, Chennai, without prejudice to his defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioner;

(b) 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;



(c) the petitioner shall report before the respondent police as and when required for interrogation;

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

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

(f) 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]; and;

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

-sd/-
15/12/2021

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 METROPOLITAN MAGISTRATE,
NO.XVIII, SAIDAPET, CHENNAI.

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

3 THE OFFICER INCHARGE,
SUB JAIL, PONNERI.

4 THE INSPECTOR OF POLICE,
TIW-POLICE STATION, ADYAR, CHENNAI.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE TAMIL NADU ADVOCATE
CLERKS ASSOCIATION, CHENNAI.

+1 CC to M/S.I.PERIYASWAMY Advocate on payment of necessary
charges SR.NO.14794

CRL OP.24466/2021

Date :15/12/2021

RW 15/12/2021