



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/02/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.1787 of 2021

Rishivaran

... Petitioners/Sole Accused

Vs.

The State Rep.by,
The Inspector of Police,
Traffic Investigation Wing-III
Madurai.

Crime No. 12 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.Indrachithu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 279, 337 IPC r/w Section 3 of the Tamil Nadu Public Property (Prevention of Damage & Loss) Act r/w Sections 187, 185 of the Motor Vehicle Act, 1988 in Crime No.12 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 09.01.2021 at about 10.00 p.m., the petitioner herein, in a drunken mode, drove his car in a rash and negligent manner and hit the mutton stall and eatery. Hence, the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the defacto complainant had dashed against the petitioner and hence, he was



tried to attack. Therefore, fearing of his life, the petitioner had driven his car that speed. In the said process, damage occurred to the shops. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioner was caught at the scene of occurrence and alcohol test also conducted immediately, in which, the alcohol seems on the higher side. The petitioner in the drunken mode and hit the stall. If any persons present at that place, they would have been done to death. Hence, he opposed to grant anticipatory bail to the petitioner.

5.It is seen that the petitioner in a drunken mode, had driven his vehicle in a rash and negligent manner and hit the shops in the road. He was caught in the scene of occurrence and subjected to alcohol test, in which, it was found that the alcohol was on the higher side. If any persons present at that place, they would have been run over to death. Hence, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is dismissed.

sd/-

11/02/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION WING-III
MADURAI.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.1787 of 2021

Date :11/02/2021

gns

PK/JC/SAR-IV/24.02.2021 : 2P/3C

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