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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.4579 of 2022

Venkatesh

...Petitioner/Accused

versus

The State rep. By
The Inspector of Police,
TIW Pondy Bazar Police Station,
Chennai District.
(Crime No.30 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in Crime No.30 of 2022 on the file of the respondent police.

For Petitioner : Mr.D.Padmanabhan

For Respondent : Mrs.G.V.Kasthuri

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.02.2022 for the offences punishable under **Sections 279, 338, 308 of IPC and Sections 185, 134 (a&b), 187 of Motor Vehicles Act, 1988** in Crime No.30 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.02.2022, after consuming alcohol, the petitioner drove the car in a rash and negligent manner and dashed against the victim. Due to such assault, the victim sustained injury on the right leg. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is an employee of I.T., if he is not attended the office, there may be a chance for losing his job. It is his specific submission that the petitioner is in judicial custody from 14.02.2022 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against this petitioner for the offences punishable under Sections 279, 338, 308 of IPC and 185, 134(a&b), 187 of Motor Vehicles Act, 1988. The averments found in the First Information Report would disclose the fact that during the relevant of time, the petitioner after consuming liquor, driven his vehicle in a rash and negligent manner and committed the present offence. Further, the petitioner is the first time offender and he is in judicial custody from 14.02.2022 onwards.

6. Therefore, taking note of all the above said aspects into consideration and also considering the fact that the petitioner is the first time offender and he is in judicial custody from 14.02.2022, this Court is inclined to grant bail to the petitioner subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned VI Metropolitan Magistrate, Egmore, Chennai;

(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 shall report before the respondent police daily at 06.00 p.m. for a period of thirty days and thereafter, as and when required for interrogation;**

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

(e) 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];



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

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-sd/-
25/02/2022

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.VI, EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIW PONDY BAZAR POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE
SUB JAIL, SAIDAPET.

+1 CC to M/S D.PADMANABHAN Advocate on payment of necessary charges SR.NO.2957

CRL OP.4579/2022

Date :25/02/2022

TA-28/02/2022