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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :29.03.2022

Pronounced on :31.03.2022

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.O.P.No.7149 of 2022

L.Praveen

.. Petitioner

/versus/

State By:

..Respondent

Inspector of Police,
Traffic Investigation,
H-1, Old Washermenpet Police Station,
Chennai 600 021.
(Crime No.43 of 2022)

Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.43 of 2022, pending investigation on the file of the respondent police.

For Petitioner :Mr.K.Kannan

For Respondent :Mrs.G.V.Kasthuri

ORDER

The petitioner/A4, who was arrested and remanded to judicial custody on 21.03.2022 for the alleged offence punishable under Sections 279, 308, 114 of IPC and 184, 188 of M.V. Act in Crime No.43 of 2022 is before this Court seeking bail.

2.The case of the prosecution is that on 20.03.2022, at about 21.30 hours, four persons were riding in two bikes bearing Reg.No.TN 03 AC 1921 and Reg.No.TN 03 AE 4080 in rash manner near Stanley Hospital Roundana towards Moolakothalam, which led to an accident and also racing their bike with each other and causing nuisance and terror in the minds of the general public using the public road.



3. On receiving the complaint from a public providing the vehicles registration number, the owners of the two wheeler were traced and it was found that the said owners of the vehicle were riding the bike at the relevant point of time and participated in the unauthorised bike race. The other two accused were on the pillion abetting and present when the offence was committed.

4. Both the rider-cum-owner of the two wheelers and the persons who were on pillion travelling were arrested. The present petitioner is the pillion rider in the two wheeler bearing Reg.No.TN 03 AC 1921 which was driven by Ajithkumar. The petitioner herein (A4) is working as a Camera man in a Film Studio. He claims that he has not involved in any bike race. He was just travelling along with Ajithkumar on the pillion. He being a law abiding citizen is ready to comply with any condition.

5. The learned Government Advocate (crl.side) opposing grant of bail submitted that recently youngsters are engaged in bike race in public road causing menace to the road users. They also get injured and cause injuries to others by their unmindful act of rash driving. This petitioner along with other accused involved in the bike race during the late hours of 20th day of March 2022, causing ruckus in the public road which was brought to the notice of the respondent police by a public spirited person.

6. This Court is not oblivious of the fact that recently youngsters are riding their vehicles rashly causing terror in the minds of the road users particularly, senior citizen. The pillion rider creates panic in the minds of the public by using metal rods and causing fire sparkles while they rod the road, do wheeling and other adventures while riding. However, for the said act detaining the petitioner in prison any further not be necessary. Hence, this Court is of the view that the petitioner may be granted bail subject to certain conditions.

7. 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.30,000/- (Rupees Thirty thousand only)** with two sureties, each for a like sum to the satisfaction of the learned III Metropolitan Magistrate, George Town, Chennai. One of the surety shall be either of his parent.

(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;



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(c) the petitioner is directed to report before the Duty Doctor of Stanley Hospital, Chennai in Trauma Ward, daily at 08.00 a.m and stay at Trauma Ward till 12.00 noon. He shall assist the Ward Boys to take care of the patients at Trauma Ward for a period of 30 days from the next date of release from the prison;

(d) Further, the petitioner shall submit one page report daily about his experience in the Trauma Ward to the duty Doctor and the Dean in turn shall forward the reports submitted by the petitioner at the end of 30th day to the III Metropolitan Magistrate, George Town, Chennai for appraisal;

(e) the petitioner shall report before the Investigation Officer as and when required for interrogation.

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

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

(h) 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;

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

-sd/-

31/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



1 THE METROPOLITAN MAGISTRATE,
NO.III, GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
TRAFFIC INVESTIGATION,
H-1, OLD WASHERMENPET POLICE STATION,
CHENNAI 600021.

5 THE OFFICER INCHARGE
SUB JAIL, CHENGALPET.

6 THE DEAN (DUTY DOCTOR)
STANLEY HOSPITAL,
CHENNAI.

CC to M/S/K.KANNAN Advocate on payment of necessary charges

CRL OP.7149/2022

Date :31/03/2022

TA-07/04/2022