



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2022

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.10543 of 2022

S.Arun Kumar

... Petitioner

Versus

State rep by

The Inspector of Police,
T-12 TIW Poonamallee Police Station,
Poonamallee, Tiruvallur District.
(Crime No.214 of 2022)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.214 of 2022 on the file of the respondent police.

For Petitioner : Mr.C.Balaji

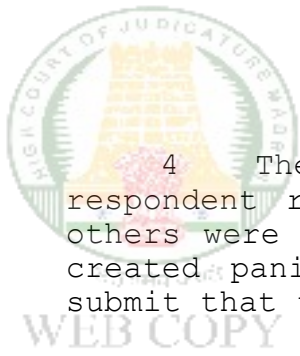
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 31.03.2022 for the offences punishable under Sections 279, 308 IPC r/w Section 189 & 177 of Motor Vehicles Act in Crime No.214 of 2022 on the file of the respondent police, seeks bail.

2 The case of the prosecution is that the petitioner and others have driven the vehicle in a rash and negligent manner, which created panic and great fear among the public. Hence, the complaint.

3 The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence as alleged by the prosecution and a false case has been foisted against the petitioner. Further he would submit that in fact the petitioner, who was arrayed as A3, went to the Police Station voluntarily to give explanation on 31.03.2022 and the occurrence was on 22.03.2022. The petitioner filed bail application before the learned Principal District and Sessions Judge, Tiruvallur, which was dismissed on 08.04.2022. Hence, he would pray for grant of bail.



4 The learned Additional Public Prosecutor appearing for the respondent raised objection stating that the petitioner along with others were riding the vehicle in a rash and negligent manner, which created panic and great fear among the public. Further she would submit that there is no previous case against the petitioner.

5 Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police and perused the materials placed on record.

6 It is stated that there is no previous case against the petitioner, who was arrayed as A3 and he is only a pillion rider according to the prosecution. Further, the respondent police arrested the petitioner, when he went to the police station voluntarily after about 15 days of the occurrence. Considering the above facts and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions;

7 Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.1, Thiruvallur District, and on further conditions that:-

(a) 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;

(b) the petitioner shall report before the learned Judicial Magistrate I, Thiruvallur, daily at 10.30 a.m. until further orders.

(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 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;



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

WEB COPY

-sd/-
05/05/2022

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 JUDICIAL MAGISTRATE,
NO.I, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
T-12, TIW POONAMALLEE POLICE STATION,
POONAMALLEE,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S.C.BALAJI Advocate on payment of necessary charges
Sr.6739

CRL OP.10543/2022

Date :05/05/2022

RVR 05/05/2022