



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12598 of 2022

1 INDRAJITH
2 YAKESHKUMAR

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
D6, TRAFFIC INVESTIGATION WING,
ANNA SQUARE POLICE STATION,
CHENNAI.
CRIME NO.131 OF 2022.

[RESPONDENT]

For Petitioner : M/S.K.MARIYAPPAN Advocate

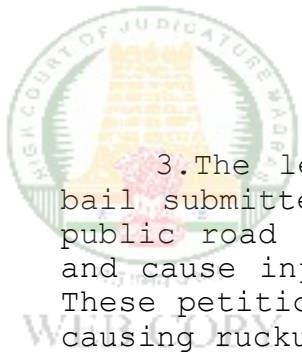
For Respondent : MR. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under sections 308, 144 of IPC r/w 189, 184, 188, 190(2), 129 & 194 (1) Motor Vehicle Act, 1988 in Crime No.131 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 29.04.2022, at about 02.00 a.m, the petitioners and their friends participating in the two wheeler race at Anna Salai without proper permission and drove their vehicle in rash and negligent manner. When the respondent police tried to intercept them, the petitioners and their friends escaped from the spot. Some of the vehicles number are noted by the respondent police viz., TN 09 BF 6095 PULSAR 150, YAMAHA R15 BLUE COLOUR, YAMAHA RX 100, HONDA DIO and YAMAHA V3. It is also the case of the prosecution that the petitioners are racing their bike with each other and causing nuisance and terror in the minds of the general public using the public road.



3.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. These petitioners along with other accused involved in the bike race, causing ruckus in the public road.

6.Considering the facts and circumstances of the case and the recent order of this Court in similar case, this Court is of the view that the petitioners may be granted bail subject to certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned VI Metropolitan Magistrate, Egmore, on condition that each of the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and one of the surety shall be either of their parent, failing which the petition for anticipatory bail shall dismissed and on further condition that:

(a)the petitioners and 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;

(b)the petitioners are directed to report before the Duty Doctor of Rajiv Gandhi Government General Hospital, Chennai in Trauma Ward, daily at 08.00 a.m and stay at Trauma Ward till 12.00 noon. The petitioners 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;

(c)Further, the petitioners shall submit one page report daily about their experience in the Trauma Ward to the duty Doctor and the Dean in turn shall forward the reports submitted by the petitioners at the end of 30th day to the learned VI Metropolitan Magistrate, Egmore, Chennai for appraisal;

(d)the petitioners shall report before the Investigation Officer as and when required for interrogation.

(e)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioners shall not abscond either during investigation or trial;



(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

-sd/-

26/05/2022

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 METROPOLITAN MAGISTRATE,
NO.VI, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
D6, TRAFFIC INVESTIGATION WING,
ANNA SQUARE POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO

THE DEAN,
RAJIV GANDHI GOVERNMENT GENERAL HOSPITAL,
CHENNAI.

+1 CC to M/S.K.MARIYAPPAN Advocate on payment of necessary charges SR.NO. 8032

CRL OP.12598/2022

Date :26/05/2022

RW-27/05/2022