

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.15740 of 2022

Prabukumar

..Petitioner

Vs.

The State Rep. by its
The Inspector of Police,
Traffic Investigation Wing,
Guindy,
Chennai
crime No.228 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.228 of 2022 on the file of the respondent police.

For Petitioner : Mr.L.Vinoth

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.06.2022 for the offence punishable under Sections 279, 337, 308 of IPC r/w Section 185 of Motor Vehicles Act, 1988 in crime No.228 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on 29.06.2022, accident occurred at J.N. 100 ft Road at Buhari Hotel Opposite, Ashok Nagar, Chennai. While the defacto complainant was riding his bike towards North, the petitioner's car bearing registration No.TN 09 CH 8985 dashed the road median and hit the defacto complainant's bike. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that at the time occurrence, the defacto complainant after overtaking the petitioner's car, was riding his bike in front of the petitioner's car. Unexpectedly, one dog crossed the road in front of the defacto complainant, therefore the defacto complainant slightly

moved towards the petitioner's car. In order to protect the defacto complainant's bike, the petitioner drove his car extreme near to median and unfortunately, the car dashed the median. In the result, the car turned upside down and hit the defacto complainant.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner drove his car under the influence of alcohol and dashed the defacto complainant's bike, thereby the victim sustained simply injury and was admitted in the hospital. He would further submit that the injured has been discharged from the hospital on 30.06.2022. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also considering that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing 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 learned XVIII Metropolitan Magistrate Court, Saidapet 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 respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of two weeks and thereafter report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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.

-sd/-
08/07/2022

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.XVIII, SAIDAPET, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAL,
CHENNAI.

4 THE INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION WING,
GUINDY, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.L.VINOTH Advocate on payment of necessary charges
SR.NO. 11093

CRL OP.15740/2022

Date :08/07/2022

RW-08/07/2022