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Crl.O.P.No.17314 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2022

CORAM

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

Crl.O.P.No.17314 of 2022

Prakash

...Petitioner

Vs.

State rep. by
The Inspector of Police,
R-4 Pondy Bazaar Police Station (TIW)
Chennai.
Crime No.159 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.159 of 2022 on the
file of the respondent police.

For Petitioner : Mr.Mohammed Riyaz
For Mr.S.Saranraj

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



Crl.O.P.No.17314 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.07.2022 for the offences punishable under Sections 279, 308, 338 of IPC and Section 185 of MV Act in Crime No. 159 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that, the petitioner under the influence of alcohol, drove his car in a rash and negligent manner and hit the victim. Thereby, the victim sustained grievous injuries on his forehead, jaw and hip. Hence, the case.

3.The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has been falsely implicated in this case. He further submit that the petitioner is in Judicial Custody from 10.07.2022. onwards. Hence, he has prayed for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the



Crl.O.P.No.17314 of 2022

respondent submitted that due to the alleged occurrence, the victim sustained grievous injuries and thereby taking treatment in the hospital. Hence, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner from the date of arrest ie., from 10.07.2022, this Court is inclined to grant bail to the petitioner

6. 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 blood related sureties**, each for a like sum to the satisfaction of the learned **IV Metropolitan Magistrate Saidapet, Chennai** 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 twice daily at 10.30.a.m., and 04.30.p.m., for a period of four weeks



Crl.O.P.No.17314 of 2022

and thereafter 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.

29.07.2022

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To

1. IV Metropolitan Magistrate Saidapet,



Crl.O.P.No.17314 of 2022

WEB COPY

Chennai.

2. The Inspector of Police,
R-4 Pondy Bazaar Police Station (TIW)
Chennai.

3. Central Prison,
Puzhal.

4. The Public Prosecutor,
High Court of Madras



WEB COPY



Crl.O.P.No.17314 of 2022

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.17314 of 2022

29.07.2022