



Crl.O.P.No.20301 of 2022

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G.K.ILANTHIRAIYAN, J.

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 353 of IPC in Crime No.246 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/accused under the influence of alcohol, driven a car in a rash and negligent manner in excess speed. It is also alleged that the petitioner refused to have breath analyser test and at the request of the petitioner, one Mr.Abhishek Raj came to scene of occurrence and he has intercepted and abused the respondent police/ defacto complainant, threatened and prevented them from discharging his duty by using unparliamentary words and the petitioner drove away the car by knocking down the barricade refusing to hand over the keys. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any such offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.



Crl.O.P.No.20301 of 2022

WEB COPY

4. The learned Additional Public Prosecutor would submit that under the influence of alcohol, the petitioner has driven her car in a rash and negligent manner with excess speed and she has refused to have breath analyser test. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also considering the submissions made by both counsel this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the ***learned Metropolitan Magistrate-IX, Saidapet, Chennai*** on condition that the petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



Crl.O.P.No.20301 of 2022

WEB COPY

[a] the petitioner and 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. for a period of two weeks and thereafter as and when required for interrogation.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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Crl.O.P.No.20301 of 2022

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Crl.O.P.No.20301 of 2022

26.08.2022