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Crl.OP.No.21431 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.OP.No.21431 of 2022

Deepan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
J-2, Traffic Investigation Wing,
Adyar,
Chennai.

(Crime No.350/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.350 of 2022 on the file of the respondent Police.

For Petitioner : Mr.D.Arun

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.08.2022 for the offences punishable under Sections 308, 337 of IPC r/w 184, 185 of Motor Vehicles Act, in Crime No.350 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner in inebriated condition, drove his vehicle in a rash and negligent manner and dashed against the pedestrians, caused injuries and fled away from the scene of occurrence. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person. He would further submit that even as per the prosecution, the victims have been discharged from the hospital. He would also submit that the petition is in prison from 23.08.2022 and he has to take care of his family. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent opposed to grant bail to the petitioner by stating that the petitioner, who has driven the vehicle in a rash and negligent manner in a inebriated condition, had dashed against against three persons and caused injuries and fled away from the scene of occurrence. He would also submit that the injured has been discharged from the hospital on 03.09.2022.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, for a like sum to the satisfaction of the **learned IV Metropolitan Magistrate, Saidapet, Chennai**, and on further conditions that:



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[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, every day at 9.00 a.m. and 5.00p.m., and he shall distribute the pamphlets against "Drunken Driving" at the LB Road Junction, Chennai everyday from 9.00 a.m. to 10.00 a.m. and 5.00 p.m. to 7.00 p.m., for a period of two weeks and thereafter, report before the respondent Police as and when required;

[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];**



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

12.09.2022

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To

1. The IV Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
J-2, Traffic Investigation Wing,
Adyar,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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