



Crl.O.P.No.23512 of 2022

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A.D.JAGADISH CHANDIRA.J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 308 of IPC and Sections 184 & 185 of Motor Vehicles Act in Crime No.239 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Mareeswaran who is the Sub Inspector of Police is that the accused had driven the auto rickshaw in a drunken mood and dashed against him, knowing well that it would endanger the safety of the defacto complainant. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and a false complaint has been foisted against him. He would further submit that infact the defacto complainant being a Sub Inspector came in a rash and negligent manner, hit against the auto rickshaw and caused severe damages. He would also submit that



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the petitioner had demanded amount for damages whereas a false complaint has been given against him. He would also submit that the petitioner was not at all in a drunken mode and hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) would submit that the accused had driven the auto rickshaw in a drunken mood and dashed against him, knowing well that it would endanger the safety of the defacto complainant, who is a Sub Inspector of Police. He would further submit that no one has been sustained grievous injuries. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and also taking note of the fact that no one has been sustained grievous injuries, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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6. Accordingly, 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, Chennai**, on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees twenty five 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 :

[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 every day at 10.30 a.m., until further orders.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;



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[g] 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]***; and;

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

27.09.2022

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