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Crl.OP.No.24420 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.24420 of 2022

Manikandan

... Petitioner

Vs.

State RTIW – K4, Anna Nagar Police Station,
Chennai – TIW West,
(Crime No.191/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in Crime No.191 of 2022 pending
investigation on the file of the Respondent.

For Petitioner : Mr.V.R.Rakesh

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



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Crl.OP.No.24420 of 2022

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 19.09.2022 for the offences punishable under Sections 279 and 308 of IPC and Section 185 of the Motor Vehicle Act, 1968 in Crime No.191 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that on 18.09.2022 at about 10.40 p.m., the petitioner in a drunken mode drove the auto in a rash and negligent manner and hit against the two wheeler of the defacto complainant which was driven by her husband due to which the defacto complainant sustained injuries in her legs, however, her husband escaped with no injuries. Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and he is nothing to do with the alleged offence and he has been falsely implicated in this case. Therefore, he prays for grant of bail to the Petitioner.



Crl.OP.No.24420 of 2022

WEB COPY

4. The learned Additional Public Prosecutor appearing for the Respondent would submit that the petitioner in a drunken mode drove the auto in a rash and negligent manner and hit against the defacto complainant and her husband who were coming in a two wheeler in the opposite direction due to which, the defacto complainant sustained injuries. However he would submit that there is no previous case against the petitioner. Hence, he vehemently opposed to grant bail to the Petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against him, this Court is inclined to grant bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with



Crl.OP.No.24420 of 2022

two sureties, each for a like sum to the satisfaction of the learned VI

Metropolitan Magistrate, Egmore, Chennai and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioner shall co-operate with the pending investigation and report before the respondent police, daily at 10.00 a.m., until further orders;

(c) the petitioner shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.



Crl.OP.No.24420 of 2022

WEB COPY

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

06.10.2022

ssi/rpp

To

1. The learned VI Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
RTIW – K4, Anna Nagar Police Station,
Chennai – TIW West,.
3. The Superintendent,
Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.24420 of 2022

SATHI KUMAR SUKUMARA KURUP,J.
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Crl.O.P.No.24420 of 2022

06.10.2022