

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD)No.17896 of 2022

R.Maheswaran

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Alagappapuram Police Station,
Sivagangai District.
(Crime No. 78 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Jerin Mathew.M,
Advocate.

For Respondent : Mr.M.Sakthikumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 78 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 279 and 506(2) of IPC and section 184 of Motor Vehicles Act, 1988, in Crime No.78 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Special Sub Inspector of the respondent police station. On 30.09.2022, while he was patrolling near Alaggappa Arts College, the accused persons were driving their pulsar bikes in a rash and negligent manner. Hence, this case.

3. The learned counsel for the petitioner submitted that the petitioner is only a pillion rider in one of the bikes and he was not riding the bike. He further submitted the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4. The learned Government Advocate(crl.side) appearing for the respondent police submitted that no previous case is pending against the petitioner and the investigation is almost completed.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and the 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner with the assistance of the respondent police shall give awareness to the road users regarding traffic rules daily between 4.00 p.m and 6.00 p.m for the period of seven days at any one of the traffic point identified by the respondent police.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[g]the petitioner shall not abscond either during investigation or trial.

[f]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]**.

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

sd/-
06/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
KARAIKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALAGAPPAPPURAM POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-11168[I] dated 10/10/2022)

ORDER
IN
CRL OP(MD) No.17896 of 2022
Date :06/10/2022

tta
USK/SBN/SAR-I/12.10.2022/3P/6C