



Crl.O.P.No.5695 of 2023

A.D.JAGADISH CHANDIRA, J.,

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The petitioner, who apprehends arrest for the alleged offences under Sections 308, 333, 114 of IPC r/w.Sections 184, 188 of Motor Vehicles Act, 1988 in Crime No.79 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant/Mohan - Sub Inspector attached to E2 Royapettah Police Station is that while he was deputed duty to attend vehicle check up from 04.03.2023 - 8.00pm to 05.03.2023 - 7.00am along with one Elango/Special Sub Inspector and Jayakumar/Grade I Constable. While they were on duty at R.K.Salai near Nilgiris point on 05.03.2023 at about 4.15am a car bearing Reg.No.TN11 BC 1542 was driven from West to East in a rash and negligent manner had dashed against the barricade, parapet wall and officials on duty, due to which the Grade-I constable/Jayakumar sustained grievous injuries. The defacto complainant and others shouted at the driver of the car to stop the vehicle, the car stopped after some distance and the driver and the others persons in the car were found to be in an inebriated condition and they were asked to undergo breath analyser test they refused and escaped from the scene of occurrence. It is also found that the breath analyser machine and mobile phone of the constable Jayakumar were thrown



away from the spot and found missing. Due to the accident the said Jayakumar sustained grievous injuries and he was in unconscious stage, the defacto complainant and others taken him to the Royapettah Government Hospital for treatment and the incident was duly informed to the higher officials. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner has not driven the car at the time of accident and he cannot be faulted for having accompanied with the driver who was in an inebriated condition. In this case, two other persons were arrested and remanded to judicial custody. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (crl.side) would submit that the defacto complainant and his party were involved in regular vehicle check up, the petitioner along with other occupants of the car who were in an inebriated condition had driven the car bearing No.TN11 BC 1542 in a rash manner and dashed against the barricade and parapet wall, due to which the Grade I constable/Jayakumar sustained grievous injuries and the accused after creating a ruckus and throwing away the breath analyser fled away from the scene of occurrence. He would also submit that initially the injured was admitted in the



Royapettah Government Hospital and his condition got critical, thereafter he was shifted to Apollo Hospital for better treatment and his condition is not stable. He would further submit that as on date the family members of the injured had spent more than 15lakhs towards medical expenses. He would submit that the investigation is at nascent stage and the respondent/police is analysing the the CCTV footages to find out who exactly was driving the vehicle. At this stage, if anticipatory bail is granted there would be every possibility of the petitioner interfering with the investigation and tampering with the evidence. Thereby, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the FIR.

6. Taking into consideration, the facts and submissions made on either side and the investigation is at nascent stage, this Court is not inclined to grant anticipatory bail to the petitioner at this stage. Hence, the criminal original petition stands dismissed.

14.03.2023.

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