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Crl.O.P.No.8169 of 2023

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S.SOUNTHAR, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 279, 338, 308 I.P.C. And 185 of M.V.Act subsequently altered into 279, 304(ii), 109 I.P.C. and 185, 188, 128 of M.V.Act r/w 177 M.V. Act, in Crime No.42/H1-3 of 2023, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners are A2 and A3. On 27.03.2023 around 4.00 p.m. A1-Kannan along with these petitioners as pillion riders drove his two wheeler in a rash and negligent manner and dashed against the victim / deceased one Usha, due to which she sustained injuries. On seeing the accident, the defacto complainant rescued the victim and admitted her in Sugam Hospital but the victim died succumbed to injuries. A1 in this case has already been arrested by the respondent police. Hence the complaint.

3.Learned counsel appearing for the petitioners submitted that the



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petitioners are innocent persons and they have been falsely implicated in this case. He added that the petitioners are A2 and A3 and they are only the pillion riders. The main accused A1 who was driving the two wheeler has already been arrested by the respondent police. Accordingly, prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) for the respondent would submit that the petitioners are A2 and A3, they were the pillion riders. The petitioners along with main accused A1, dashed against the victim, due to which the victim sustained injuries and died while taking treatment. He further submitted that the defacto complainant is the person who rescued the victim and admitted her in the hospital, thereafter lodged a complaint. He added that A1 in this case has already been arrested.

5. Heard both sides and perused the materials available on record.

6. Having regard to the allegations made against the petitioners in



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the F.I.R and also considering the fact that the petitioners are only the pillion riders and the main accused A1 in this case has already been arrested, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate Court, Thiruvottiyur, Chennai**, on condition that the petitioners shall execute a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand Only) each** 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 petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity.



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[b] the petitioners shall report before the respondent police every day at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

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

04.05.2023

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