



Crl.O.P.No.10497 of 2023

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S.SOUNTHAR, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 279, 308, 109 of IPC r/w Sections 189 & 177 of Motor Vehicles Act, 1988 in Crime No.188 of 2023, seeks anticipatory bail.

2. The case of the prosecution is that due to an information by some persons that some auto drivers were driving in a rash and negligent manner near Veltech College, the respondent Police foisted a case against the petitioner, who was crossing that place to pick up vegetable vendor from Koyambedu. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an auto driver, who used to pick up and load vegetables and drop the vendors at their shop from Koyambedu whole sale vegetable market. On 21.03.2023, while the petitioner was driving



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his auto at Minjur to Vandalur outer ring road, to pick up his customer from Koyambedu, the respondent Police falsely implicated the petitioner as accused No.3 in Crime No.188 of 2023. This is the first anticipatory bail application moved before this Court and hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner.

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

6. Taking into consideration the allegation made against the petitioner and the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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7. Accordingly, 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 on which the order copy made ready, before the **learned Judicial Magistrate, Ambattur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two sureties** 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 shall obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police once in a week at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

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



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[d] the petitioner 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 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].

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

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