



Crl.O.P.No.10901 of 2023

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K.GOVINDARAJAN THILAKAVADI, J.,

The petitioners, who apprehend arrest at the hands of the respondent police, for the alleged offences punishable under Sections 279, 308 IPC and u/s.185 of Motor Vehicles Act in Crime No.113 of 2023 seeks anticipatory bail.

2. The case of the prosecution is that the petitioners have travelled in a car driven by A1 in a drunken mood endangering the lives of general public. During the course of travelling, the car dashed against the median of the road, due to which, the car got damaged. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners have travelled in the car only as passengers and they are no way connected with the offence. He further submitted that the petitioners are ready to cooperate with the respondent police for the investigation and also prepared to abide by any stringent conditions that may be imposed by this Court. He further submitted that the petitioners,



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without prejudice to their defense and contention, are ready and willing to deposit an amount of Rs.5,000/- to any charitable trust. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Addl. Public Prosecutor submitted that the petitioners travelled in a car driven by A1, who drove the car after consuming alcohol and due to his drunk and drive, the car dashed against the median of the road and got damaged.

5. Heard the learned counsel for the petitioners and the learned Addl. Public Prosecutor for the respondent and perused the entire materials available on record.

6. On considering the voluntary submission made by the learned counsel for the petitioners, the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of **"Rehoboth - Home for Mentally Challenged Homeless Women,** No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai.,



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without prejudice to their rights and contentions before the trial Court.

7. Merely, because the petitioners have deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently.

8. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and also taking note of the fact that the petitioners have come forward to deposit an amount of Rs.5000/- each to the credit of "**Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai**, Punjab National Bank , Moulivakkam Branch, Account No. 05812010015060, IFSC Code : PUNB0058110, **MICR Code : 600024081**", this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, petitioners are directed to deposit a sum of **Rs.5,000/- (Rupees Five Thousand only) each directly to "Rehoboth -**



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Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai," without prejudice to his rights and contentions before the trial Court and on such deposit and on receipt of proof of payment, 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 learned VI Metropolitan Magistrate, Egmore, on condition that the petitioners shall execute a 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 stands dismissed and on further condition that:

[a] each of the petitioners shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand only)** directly to **"Rehoboth - Home for Mentally Challenged Homeless Women, No.22, Viswas Nagar, Koluthuvancherri, Paraniaputhur, Chennai"**, so as to enable the abovesaid Home to use the aforesaid



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amount for the purpose of maintaining the mentally challenged homeless women.

[b] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners shall report before the respondent police everyday at 10.30a.m., until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners 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 has been imposed and the petitioner is released on bail by the



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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]; and;

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

10.05.2023

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