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Crl.O.P.No.11935 of 2023

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V.LAKSHMINARAYANAN, J.

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 279, 308, 337 I.P.C. and Section 185 and 411 r/w 177 of Motor Vehicles Act, in Crime No.91 of 2023. on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner under the influence of alcohol driven the TOYOTA ETIOS car bearing Reg.No.TN06-Y-2105 in a rash and negligent manner and hit the motorcyclist at high speed and caused injury. Hence the law enforcing agency registered a complaint.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

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4.Learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner under the influence of alcohol had driven the car in a rash and negligent manner and hit the motorcyclist. He added that the injured has been discharged from the hospital. However, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned IV Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) 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



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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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of four (4) weeks, thereafter, as and when required for interrogation;

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

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

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[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.

26.05.2023

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