



Crl.O.P.No.22627 of 2023

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C.V.KARTHIKEYAN,J.

The petitioner seeks anticipatory bail in Crime No.15 of 2023 registered by the respondent police for the offences punishable under Sections 279, 338 of IPC and Section 134(a,b) r/w 187 of MV Act, and subsequently, altered to Sections 279, 304(1) of IPC and Section 134(a,b) r/w 187 of MV Act.

2. The facts of the case are that the petitioner was driving his car and in front of his car there was an auto, which was moving. At that time, there was a dispute between the auto driver and auto passenger over the payment of charges and as a result of which, the auto driver pushed the passenger in the road and the petitioner, who was driving his car behind the auto, had unfortunately ran over the deceased, who was the passenger, who died.

3. The learned counsel for the petitioner stated that the petitioner was completely an innocent of the entire issue and it was a



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sudden accident which had occurred beyond the control of the petitioner herein.

4. It is also stated that the 1st accused is the auto driver and the registration number of the auto is also known to the respondent namely TN-04-R-6588 but for some reason the respondent had not secured the auto driver. The petitioner alone is before this Court seeking anticipatory bail.

5. Taking into consideration the sequence of events, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. 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 **Judicial Magistrate – I, Alandur**, 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



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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 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 everyday at 10.30 a.m., for a period of two weeks and 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.

[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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7. The respondent police is directed to secure the auto driver/1st accused even though he is not directly involved in the present petition.

8. The Court expresses its serious displeasure in the manner in which the investigation had been conducted by the respondent.

11.10.2023

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