



Crl.O.P.No.25191 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 under Sections 279, 338 IPC and Section 134 (a,b) r/w 187 M.V. Act on a complaint dated 11.01.2023 and subsequently, altered into Sections 279, 304(1) IPC and Section 134(a,b) r/w 187 M.V. Act.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal side).

3.It is stated that the petitioner is an Auto driver. The other accused is the driver of a car which was behind the auto of the petitioner herein. It is stated that a person had tried to cross and apparently, he had fallen down and suffered injuries, and died.

4.The case of the prosecution is that this petitioner herein had pushed that person down. The other accused had obtained anticipatory bail on the ground that it was the petitioner herein who pushed that person down. But the



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learned counsel denied this fact and placed reliance on the postmortem certificate of the deceased. These are aspects to be examined during the course of trial. Let me not express any opinion as to the manner in which the deceased died.

5.Taking into consideration of all the factors and the fact that the other accused was granted anticipatory bail, 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, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-I, Alandur, 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 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



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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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