



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.02.2023
PRESENT
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.3803 of 2023

WEB COPY

S.Elavarasan

...Petitioner/Alleged Accused

-vs-

The State represented by
The Sub Inspector of Police,
TIW Tirunelveli City Police Station,
Tirunelveli City District.
(in Cr.No.57 of 2023)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.57 of 2022.

For Petitioner	: Mr.G.Anto Prince
For Respondent	: Mr.K.Sanjai Gandhi Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 279, 337 and 308 of IPC and Sections 184 and 185 of Motor Vehicles Act, 1988, in Crime No.57 of 2023 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that on 18.02.2023, the petitioner has driven a two wheeler in a rash and negligent manner under the influence of alcohol and caused nuisance to the general public and dashed against the barricade and fell down and got injury. Hence, the case.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the petitioner is an employee of TNEB-TNTRANSCO & Co as Technical Assistant and he met with an accident and sustained injuries and he is still in hospital. He would also submit that the petitioner has not committed any offence, as alleged by the prosecution. He would further submit that the petitioner is ready to abide by any stringent conditions, that may be imposed on him. Hence, he would seek for anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that on 18.02.2023, the petitioner has driven a two wheeler in a rash and



negligent manner under the influence of alcohol and caused nuisance to the general public and dashed against the barricade and fell down and got injury. He would object for anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 No.I, Tirunelveli, 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 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 06.30 p.m., for a period of one week and thereafter, as and when required on issuance of summons.

[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.

sd/-
28/02/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE SUB INSPECTOR OF POLICE
T1W TIRUNELVELI CITY POLICE STATION,
TIRUNELVELI CITY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.ANTO PRINCE.G Advocate SR.No.2990

ORDER

IN

CRL OP (MD) No.3803 of 2023

Date :28/02/2023

MGJ/SAR III/08/03/2023/3P/6C