



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06/07/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.12263 of 2023

Ganesh @ Ganeshraj

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
Traffic Investigation Wing,
Tirunelveli Police Station
Tirunelveli District.
Crime No.179 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Muthumalai Raja.S., Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

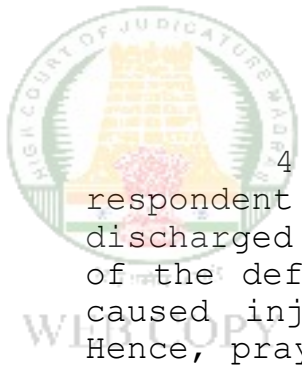
For Anticipatory Bail in Crime No.179 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 279, 308(ii), 337 IPC r/w 184, 185 of MV Act, in Crime No.179 of 2023 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 07.05.2023, the accused was riding his two wheeler under intoxication of liquor and dashed the vehicle of the defacto complainant, thereby, caused injuries to the defacto complainant and his grandmother. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. The petitioner also sustained injuries in the accident. The injured has been discharged from the hospital. Hence, prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that though the injured person has been discharged from the hospital, the petitioner had dashed the vehicle of the defacto complainant under the influence of liquor, thereby, caused injuries to the defacto complainant and his grandmother. Hence, prays to dismiss the petition.

5. Though it is alleged that the petitioner was under the influence of alcohol at the time of occurrence, perusal of CD file reveals that no summon has been issued to the petitioner for subjecting him to the medical examination, for confirming the consumption of alcohol.

6. Considering the above facts and the nature of offence and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned **Judicial Magistrate No.V, 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

06/07/2023

/ TRUE COPY /

/07/2023

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

pnm
TO

1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
<https://www.mhc.tn.gov.in/judis>
TRAFFIC INVESTIGATION WING
TIRUNELVELI POLICE STATION TIRUNELVELI DISTRICT.



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

WEB COPY

+1 CC to M/s.S.MUTHUMALAI RAJA, Advocate (SR-10324[I] dated
07/07/2023)

ORDER
IN
CRL OP(MD) No.12263 of 2023
Date :06/07/2023

SS/10/07/2023/3P/6C