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in CrI.O.P(MD) N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date :03/03/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). Nos.22297 of 2022 and 1021 of 2023

L.Vahithkhan

... Petitioner/Accused No.2
in CrI.O.P(MD) No.22297 of 2022

1. Praveen

2. Yogaram

... Petitioners/Accused Nos.3&4
in CrI.O.P(MD) No.1021 of 2023

Vs

The State rep.by,
Inspector of Police,
Anna Nagar Police Station,
Madurai City.
Crime No.679/2022.

... Respondent/Complainant
in both petitions

(In CrI.O.P(MD) No.22297 of 2022)
For Petitioner : M/s.V.Manikandan
Advocate.

(In CrI.O.P(MD) No.1021 of 2023)
For Petitioners : P.Manimaran,
Advocate.

(In both petitions)
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.679/2022 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehends arrest at the hands of
the respondent police for the offences punishable under Sections 279
and 308 of IPC r/w 183, 184, 129, 177 and 50 of Motor Vehicles Act
in Crime No.679 of 2022, seek anticipatory bail.

<https://www.mhc.in>



2.The case of the prosecution, as per the de-facto complainant Irulandi, Village Administrative Officer of Satthamankalam group, Madurai South Taluk, is that he seen a viral video in which Fazzil, Vahithkhan, Praveen and Yogaram had driven two motor cycles in reckless and hazardous manner without wearing helmet causing annoyance to public holding liquor bottles and drinking while riding within his jurisdiction limits, hence he had given a case.

3.The learned counsel for the petitioners would submit that the petitioners are youngsters, hailing from the respectable families. He would further submit that the petitioner in *Crl.O.P(MD)* No.22297 of 2022 is a student studying first year B.A. English literature at Madurai Kamarajar University and the petitioners in *Crl.O.P(MD)* No.1021 of 2023 are studying social science in Madurai Institute of Social Science at Alagar Kovil Road, Madurai and they have in their youthful enthusiasm had indulged in such behaviour without understanding the consequences. He would further submit that they have been misguided by the popularity in the social media and have behaved in such a manner and taken short videos and uploaded the same in youtube. He would further submit that they have not driven the vehicle rashly and there no intention on the part of the petitioners to attempt to commit culpable homicide. He would further submit that other than the offence under section 308 of IPC the other offence under the Motor vehicle acts are bailable in nature and he would submit that the petitioners have also expressed their remorse for their behaviour and that if the petitioners are arrested their career and future will be ruined, thereby he would seek anticipatory bail tot he petitioners.

4.The learned Government Advocate (*Crl.Side*) would submit that the petitioners had driven the motorcycles in a reckless manner holding liquor bottles and drinking liquor while driving and they have also videographed their reckless act and they have also uploaded the same in the social media and it had become viral and it had created panic and instilled fear in the minds of the public. On enquiry it was found that the petitioners along with Al/Fazil have created ruckus in the area and by their acts have set bad example to the youngsters, hence he would object for grant of anticipatory bail to the petitioners.

5. In reply the learned counsel for the petitioners would submit that there is no complaint from any individual and nobody has been injured and even as per the prosecution the entire alleged acts of the petitioners have been uploaded in the social media and thereby custodial interrogation of the petitioners may not be required and they are ready to cooperate with the investigation and also abide by any stringent condition imposed by this Court. Thereby, he prays for grant of anticipatory bail to the petitioners.



6. Heard. Perused the materials available on record the video uploaded in the social media.

7. The petitioners are facing the ordeal for having uploaded a video clip riding motor cycle exposing liquor bottles and drinking on the way and a song from a Tamil movie was played in the background while they have indulged in some frivolous and obstreperous behaviour causing disturbance to the traffic and annoyance to the common public.

8. It is seen that the petitioners are youngsters without any criminal background and they having been misguided by cheap popularity in social media without understanding the consequences had indulged in such acts. Having understood the issue and keeping in mind their future, this court has taken some initiative for their rehabilitation to make them realize their responsibility and role in the society and thereby this Court during the earlier hearing had directed the petitioners to be present in the court along with their parents. The parents of the petitioner in CrI.O.P(MD) No.22297 of 2022 L.Vahithkhan appeared before this Court and they expressed their remorse for the behaviour of their son and informed that their son will not behave in such a manner in future. This Court taking note of their talents directed them to produce a short video which would educate and sensitise the youth towards their responsibility in the society in helping the fellow citizens rather than creating disorderliness in the society. Pursuant to the same, the petitioners have produced a short video highlighting social responsibility of the youth towards fellow citizens. This Court viewed the same and appreciates the petitioners. They have assured that they would not commit any such act in future and would prove themselves worthy citizens by their good behaviour.

9. Taking into consideration the above facts and submissions, this Court is inclined to grant anticipatory bail to the petitioners.

10. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.VI, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties (out of which one shall be either the father or mother of the petitioners), 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 petitioners 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 passbook to ensure their identity;

[b] the petitioners shall report before the Duty Doctor, Government Rajaji Hospital, Madurai in Trauma Ward, on every Saturday at 8.00 a.m and stay in Trauma Ward till 12.00 noon and assist the Ward Boys to take care of the patients at Trauma Ward for a period of 4 weeks from the date of execution of sureties.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/03/2023

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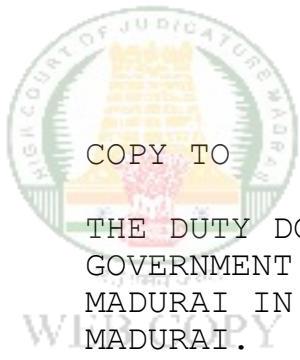
03/03/2023

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

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TO

1. THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



in Crl.O.P(MD) N



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COPY TO

THE DUTY DOCTOR,
GOVERNMENT RAJAJI HOSPITAL,
MADURAI IN TRAUMA WARD,
MADURAI.

ORDER
IN
CRL OP(MD) . Nos.22297 of 2022
and 1021 of 2023
Date :03/03/2023

RK/SBN/SAR- (03/03/2023) 6P/6C