



Crl.O.P.No.8960 of 2024

T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest for the alleged offences punishable under Section 279, 337 and 304 A (2) of IPC in Crime No.154 of 2024 on the file of the respondent/police, seeks anticipatory bail.

2.It is the case of the prosecution that on 19.03.2024 at about 06.30 p.m., when the victim namely Vasanth (aged about 22) was in his residence, his friend namely Iniyavan, who is the petitioner herein came to the victim's house by his motor bike Bajaj Pulzar bearing Regn. No.TN 18 AK 8220 and took the victim to Janappachathiram and the bike was driven by the petitioner herein and the victim was sitting in back seat of the bike. The petitioner had suddenly put the break and he had lost control over the vehicle and fell down, in which the victim Vasanth was sustained injury on his head and the petitioner was also sustained injury on his head. Immediately, the victim was taken to the Government Hospital, Padiyanallur by 108 Ambulance. However, the doctors have informed that the victim was brought dead. The victim's sister had lodged a complaint stating that the petitioner has driven the vehicle in a rash and negligent manner and he is responsible for the victim's death. Hence the complaint.



3.The learned counsel appearing for the petitioner would submit that the petitioner is aged about 24 years and he has completed his graduation and also he is the only breadwinner of his family and no negligence was on the part of the petitioner. He is a law-abiding citizen and he will be put to greater hardships and disgrace if he is arrested by the respondent police. He is ready to abide the conditions that may be imposed on him by this Court and he will co-operate with the investigation agencies. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) submitted that at the time of the alleged accident the petitioner has consumed alcohol and driven the bike in a rash and negligent manner. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.



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7. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate-II at Ponneri**, 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 the petitioner, 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

*(b) the petitioner shall deposit a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)** to the credit of Crime No.154 of 2024, before the Judicial Magistrate concerned, within a period of two weeks from the date on which the order copy made ready and on such deposit, the defacto complainant is permitted to withdraw the said amount on filing undertaking affidavit and proper identification and acknowledgment;*



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(c) the petitioner shall appear before the respondent police every Saturday at 10.30 a.m. for a period of eight weeks;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

*(f) 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 Judge himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;*

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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