



Crl.O.P.No.9833 of 2024

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T.V.THAMILSELVI, J.

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The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 279, 337 IPC r/w Section 185 of M.V.Act @ to Sections 279, 337, 304 Part II IPC r/w Section 185 of M.V. Act in Crime No.178 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the deceased/defacto complainant's husband were friends. On 24.03.2024, the petitioner, under the influence of alcohol, drove his two wheeler in a rash and negligent manner, suddenly a dog came towards his bike, due to which, he dashed his vehicle and both fell down in which, the pillion rider of the vehicle/deceased sustained grievous head injuries and admitted in the hospital and later succumbed to injuries on 30.03.2024. Hence the case.



Crl.O.P.No.9833 of 2024

WEB COPY

3. The learned counsel appearing for the petitioner submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would submit that the petitioner applied sudden brake when the dog was coming towards his bike, consequently the bike skidded on road which made the pillion rider to have fatal injuries. He would also submit that he has no criminal intention to cause the accident. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submit that the defacto complainant is the wife of the deceased. The petitioner along with his friend/deceased went in bike under the influence of alcohol met with an accident, due to which, the pillion rider sustained fatal injuries. Hence, he opposed for grant of anticipatory bail to the petitioner.



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5. The petitioner submits that due to the intervention of dog, he lost his control and the accident was happened. After accident, the petitioner had paid a sum of Rs. 1 lakh to the family of the deceased since both were friends. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance before the **learned Judicial Magistrate, Sriperumbudur** 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 is directed to report before the respondent police on every Saturday for a period of three months 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.



Crl.O.P.No.9833 of 2024

WEB COPY

7. On seeing that the deceased is aged about 20 years and her wife has become widow at the age of 20 years, on considering the pathetic situation of the family of the deceased, this Court recommends that it is a fit case to refer, **as per 357(A) (1) (2) and (6) of Victim Compensation Scheme. The District Legal Services Authority, Kancheepuram,** is hereby directed to pay a sum of **Rs.1,00,000/- (Rupees One Lakh Only)** as interim compensation to the defacto complainant/wife of the deceased addressing to the District Collector, in the manner known to law within a period of eight weeks from the date of receipt of copy of this order.

24.04.2024

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Crl.O.P.No.9833 of 2024

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Crl.O.P.No.9833 of 2024

24.04.2024