



CRL O.P. No.22394 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.09.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.22394 of 2024

Vinith

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Redhills TIW Police Station,
Tiruvallur District.

(Crime No.506 of 2024)

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the petitioner on bail in Crime No.506 of 2024, on the file of the respondent.

For Petitioner : M/s.A.Mohanammal

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 25.08.2024 for the offences punishable under Sections 281, 125(a) and 106(1) of BNS, 2023, and Section 199A of Motor Vehicles Act, 1988, in Crime No.506 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that on 23.08.2024 at about 9.30 a.m., the son of the defacto complainant and his friend were riding the motorcycle bearing Regn.No.TN-18-AW-3877, belonging to the petitioner, in a rash and negligent manner and dashed against the lorry near GNT Road, Alinjiwakkam Bridge, due to which, both were fell down and the lorry ran over the deceased, as a result of which, the deceased died on the spot. On enquiry, it was found that the petitioner has given his motorcycle to the minors. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has nothing to do with the alleged offence. He would further submit that actually, the petitioner has not given his



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vehicle to the minors and they themselves have taken the bike without knowledge of the petitioner. He would also submit that the petitioner has been in judicial custody from 25.08.2024 and there is no previous case against the petitioner. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent would submit that the defacto complainant's son and his friend drove the two wheeler belonging to the petitioner, in a rash and negligent manner and dashed against the lorry, as a result, the defacto complainant's son died on the spot. On enquiry, it was found that the petitioner has given his vehicle to the minors to drive. She would further submit that there is no previous case against the petitioner. However, she vehemently opposed to grant bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.



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6. Considering the nature of offences charged against the petitioner and that there is no previous cases against the petitioner and also taking into consideration the number of days of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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 **Judicial Magistrate, Ponneri**, and on further conditions that;

[b] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., until further orders.

[c] the petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;

[d] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

[e] the petitioner shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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



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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]; and

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

11.09.2024

ata

To

1.The Judicial Magistrate, Ponneri.

2.The Inspector of Police,
Redhills TIW Police Station,
Tiruvallur District.

3.Central Prison, Puzhal.

4.The Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.
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