



Crl.O.P.No.25710 of 2024

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WEB C **P.DHANABAL, J.**

The petitioner apprehends arrest for the alleged offences under Sections 279, 308, 304(ii) of IPC (2 counts) and 188 of MV Act, in Crime No.361 of 2024, on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the son of the defacto complainant was an auto driver and engaged in an auto racing with the accused persons on 15.06.2024 at 4.40 a.m. At that time, his son went with two wheeler bearing registration No.TN 13 Z 7036 and due to auto racing between the accused person and the decease person, there was an accident in which the son of the defacto complainant and another person died on the spot and two other persons sustained injuries. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he is only a pillion rider in the two wheeler rode by the son of the defacto complainant. He further submitted that the petitiner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. However, on



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instructions, the learned counsel further submits that the petitioner is ready and willing to abide by any conditions that may be imposed by this Court and he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there was an auto race was engaged by the accused person and the deceased person, during the race, the son of the defacto complainant and another person met with an accident and died on the spot and two other persons sustained injuries. He further submitted that there is no previous case against petitioner. He also submitted that the petitioner is a pillion rider. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the representations made by both sides and the nature of offences charged against the petitioner and there is no previous case against the petitioner and the petitioner is a pillion rider and he has not participated in the race and also considering all other aspects, this Court is inclined to grant **anticipatory bail** to the petitioner with certain conditions.



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6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his/her appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the *learned Judicial Magistrate No.II, 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 or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report **before the respondent Police, on everyday at 10.30 a.m., until further orders;**

[b] 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 of the Court or to any police officer.

[c] the petitioner shall not leave India without the previous permission of the Court.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall make himself/herself available for interrogation by a police officer as and when required.

[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



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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]***.

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

19.10.2024

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P.DHANABAL, J.



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