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CrI.O.P.No.25959 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

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THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.25991 of 2024

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...Petitioner

Vs.

The State rep by

The Inspector of Police

Avadi Traffic Investigation Wing Police Station,

Avadi

(Crime No.618 of 2024)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S. Act, 2023, praying to enlarge the petitioner on bail in Crime No.618 of 2024 on the file of respondent police.

For Petitioner : Mr.S. Kartik

For Respondent : Mr.S.Vinothkumar

Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.09.2024 for the offences under Sections 281,110,49 of BNS Act 2023 r/w Section 189 and 177 of Motor Vehicles Act,1988 in Crime No.618 of 2024 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused were conducting an illegal auto racing without any authorization. It is alleged that the petitioner was driving the vehicle in a rash and negligent manner. Hence, the respondent police has registered a case against the petitioner.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He would further submit that the petitioner is arrested and is in judicial custody from 28.09.2024 and is ready to abide by any conditions that may be imposed by this Court. Hence, he prayed bail for the petitioner.



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4. Learned Government Advocate (Crl.Side) opposes the grant of bail to the petitioner by stating that the petitioner along with other accused were conducting an illegal auto racing without any authorization. He further submitted that the vehicle was recovered and there is no previous cases pending against the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the submission of the learned counsel on either side, nature of offence, considering the period of incarceration undergone by the petitioner, the petitioner is only a participant, there is no previous cases pending against the petitioner and also considering all others factors, I am inclined to grant bail to the petitioner, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand**



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only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Poonamallee and on further conditions that:

[a] the petitioner shall report before the respondent police everyday at 10.30 a.m for a period of 30 days and thereafter as and when required for interrogation.

[b] the petitioner shall attend in accordance with the conditions of the bond;

[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 or tamper with the evidence;

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



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[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 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.

21.10.2024

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To

- 1.The Judicial Magistrate No.II, Poonamallee
- 2.The Superintendent, Chennai Central Prison, Puzhal.
- 3.The Inspector of Police
Avadi Traffic Investigation Wing Police Station,
Avadi.
- 4.The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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