



CrI.O.P.No27125 of 2024

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P.DHANABAL,J.

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 281, 125(a) and 105 of BNS, 2023 and under Sections 184, 185, 187, 134(a) and 134(b) of Motor Vehicles Act, 1988 in Crime No.500 of 2024 seeks anticipatory bail.

2. The case of the prosecution is that on the date of occurrence, when the deceased and his relative had went to the nearby tea stall by walk, the driver of the Septic Tank Lorry bearing Regn.No.TN-20-CZ-1326 had consumed alcohol and driven the lorry in a rash and negligent manner, dashed against the back side of petitioner's car bearing Regn.No.TN-37-DQ-3992 which was parked on the road. Following which, the said car hit against the pedestrians i.e., the deceased and his relative, subsequently, they have fallen down, thereafter, the said lorry had run over the body of the deceased. Thereby, the deceased had sustained fatal injuries and died on the spot.



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Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and she has not committed any such offence as alleged by the prosecution. He further states that the petitioner was not present at the scene of occurrence, at the instance of her grand mother, she came to know about the aforesaid incident. He further submits there is no previous case against her. He further submits that the petitioner is a practising Advocate and and she is ready to abide by any stringent conditions imposed by this Court. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that when the deceased and his relative had went to the nearby tea stall by walk, the driver of the Septic Tank Lorry bearing Regn.No.TN-20-CZ-1326 had consumed alcohol and driven the lorry in a rash and negligent manner, dashed against the back side of petitioner's car bearing Regn.No.TN-37-DQ-3992 which was parked on the road. Following which, the said car hit against the pedestrians i.e., the deceased and his relative, subsequently, they have fallen down, thereafter, the said lorry had



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run over the body of the deceased. Thereby, the deceased had sustained fatal injuries and died on the spot. He further submits that the driver of the lorry was secured. However, he vehemently, opposed to grant anticipatory bail to the petitioner.

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

6. Considering the nature of allegations levelled against the petitioner, the petitioner was not present in the occurrence place, the driver of the lorry was secured by the police and also the fact that there is no previous case against the petitioner and considering all other aspects, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

7. Accordingly, the petitioner is ordered 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**



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Magistrate-VIII, Coimbatore 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of eight weeks.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[d] 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].

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

29.10.2024

Vv



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