



Crl. O.P. No.27859 of 2024

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P. DHANABAL.J.,

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The petitioner / A4, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 191(2) and 105 of the B.N.S. in connection with the Cr. No.891 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that on 13.09.2024 at about 8.30 a.m., the deceased lorry driver namely Harish was driving the lorry in a very rude and rash manner and when the same was questioned by the accused and they waylaid the deceased, abused him in filthy language, pulled him from the lorry and he fallen down and fainted and thereafter he was taken to hospital, wherein he found dead. Hence the case.

3. The learned counsel for the petitioner would contend that the this petitioner has been falsely implicated in this case by the respondent police for the alleged offences under Sections 191(2) and 105 of the B.N.S.. The petitioner is an innocent and he is no way connected with the offence as alleged by the prosecution and the offences alleged against the petitioner are not substantiated and he has been falsely roped into the case and hence



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he may be released on anticipatory bail.

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4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused were travelling in an auto on 13.09.2024 and at that time, the deceased Harish came in a lorry bearing Registration No.TS30 TA 0639 and there was a quarrel between the parties for negligent driving and all the accused colluded with each other and abused the deceased in filthy language and attacked him and due to the same, the deceased got fainted and fell down and the deceased was taken to hospital, wherein he was declared as dead and hence the case was registered as against the accused. This petitioner is arrayed A4. A1, A2 and A5 were arrested. The specific overt act attributed as against the petitioner is that he attacked the deceased and investigation is not yet completed and hence strongly opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offences, considering the fact that the prime accused were arrested and already released on bail by this Court, there is no previous



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case pending against this petitioner, that even according to the prosecution, there were fisticuffs between the parties, by that time, the deceased got fainted and fell down, I am inclined to grant anticipatory bail to the petitioner subject to the following 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 (15) days from the date on which the order copy made ready, before the learned **Judicial Magistrate No.2, Ponneri** on condition that the petitioners 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 daily at 10.30 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;



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[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

27.11.2024

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P.DHANABAL,J

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To

1.The Judicial Magistrate No.2, Ponneri



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2. The Public Prosecutor, High Court, Madras.

3. The Inspector of Police, Shovaram Police Station, Tiruvallur District.

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