



Crl.O.P.No.28581 of 2024

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A.D.JAGADISH CHANDIRA, J.

Apprehending arrest in connection with Crime No.318 of 2024 registered for the offences punishable under Sections 281, 125(a) and 106(2) of BNS, 2023, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution is that, on 09.11.2024, at 7.30 p.m., the petitioner had driven a Innova Hycross car bearing registration number TN 06 AE 7209, near Vaitheeswaran koil by-pass, in a rash and negligent manner, due to which, the petitioner hit against a cyclist, who sustained severe injury and later, died on the spot. Hence the case.

3. Pleading innocence on the part of the petitioner, learned counsel for the petitioner seeks indulgence of this court. He would submit that the petitioner is a seasonal driver, holding a valid driving license and has a 40 years of driving experience in the motor vehicle field. He would submit that, on 09.11.2024, the petitioner drove a car in a Highway, and the victim suddenly come from the village road, resulting in the accident. He would submit that, the petitioner has paid gratuitous payment of Rs.3,00,000/- (Rupees Three Lakh only) in a cheque dated 26.11.2024, to the wife of the victim, one Poopathi and it was also en-



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cashied by her. He would further submit that the petitioner is ready to abide by

any stringent conditions that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, would submit that, the petitioner in a rash and negligent manner, drove a car and dashed against the victim, which resulted in a accident and caused death of the victim. He would submit that, the driven car was handed over to the respondent police for vehicle test.

5. Having heard the learned counsel for the petitioner, the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **Judicial Magistrate, Sirkali**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with two sureties, each



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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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[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 absconds, a fresh FIR can be registered under Section 269 of B.N.S.

dsn

28.11.2024

A.D.JAGADISH CHANDIRA, J.



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