



Crl.O.P.No.29098 of 2024

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A.D.JAGADISH CHANDIRA, J.

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 281, 125(a), 110 of BNS and 185, 188 of MV Act in Crime No.739 of 2024, seek anticipatory bail.

2.Heard the learned counsel appearing on behalf of the parties and perused the available records.

3.The case of the prosecution is that on 15.11.2024, the first accused drove the Volkswagen polo car bearing Reg.No.TN 10 BM 8956 under the influence of alcohol in a rash and negligent manner and dashed against the de facto complainant, due to which the de facato complainant sustained injuries. The two other accused/A2 & A3 were also present in the car, A2 also under the influence of alcohol. A2 & A3 encouraged the A1 to drive the car at high speed. Hence the case.

4.The learned counsel for the petitioners submitted that the petitioners are innocent. He further submitted that other than accompanying A1 in the car, the petitioners have not committed any offences and they have not encouraged A1



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to drive the car at high speed. He further submitted that the petitioners are ready and willing to abide by any condition that may be imposed on them.

5.The learned Government Advocate (Crl. Side) while opposing the grant of bail to the petitioners submitted that the first accused drove the car under the influence of alcohol in a rash and negligent manner and dashed against the de facto complainant, due to which the de facto complainant sustained injuries. A2 & A3 encouraged the A1 to drive the car at high speed and A2 was also under influence of alcohol. He further submitted that the injured is still in the hospital.

6.Taking into consideration the facts of the case and the submission of the learned counsel for the parties, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Poonammallee on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), **each** 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police daily at 06.30 p.m until further orders;

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 BNS.

21.11.2024

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Dated: 21.11.2024