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CRL O.P. No.32462 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.12.2024

CORAM

THE HON'BLE MRs.JUSTICE L.VICTORIA GOWRI

CRL OP.No.32462 of 2024

P.Parthiban

... Petitioner / Accused

Vs

State rep. by
The Inspector of Police,
Traffic Investigation Wing,
V-5, Thirumangalam Police Station,
Chennai.

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS) 2023, praying to enlarge the petitioner on bail in Crime No.297 of 2024 on the file of the respondent police.

For Petitioner : Mr.K.Shivakumar

For Respondent : Mr.A.Gopinath
Government Advocate
(Criminal Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.12.2024, for the offences punishable under Sections 281 and 110



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of BNS, 2023, r/w Section 185 of Motor Vehicles Act, 1988, in Crime No.297 of 2024, on the file of the respondent, seeks bail.

2.The case of the prosecution is that the petitioner had driven the car, in drunken mode, in a rash and negligent manner and dashed against the defacto complainant and caused injuries to the him. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner has been in custody from 02.12.2024. He would further submit that the injured has been discharged from the hospital. He would further submit that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner, under the influence of alcohol, driven the car in rash and negligent manner and dashed against the defacto complainant and caused injuries. He would further submit that there is no previous case pending



against the petitioner. He would further submit that the injured has been discharged from the hospital. However, he vehemently opposed to grant bail to the petitioner.

5.Heard both side learned counsel and perused the materials available on record.

6.Considering the nature of offences charged against the petitioner and the injured was discharged from hospital and also considering the number of days of incarceration undergone by the petitioner from 02.12.2024, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the Petitioner is ordered to be released on bail on condition to 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 VI Metropolitan Magistrate Court, Egmore, Chennai – 600 008, and on further conditions that;

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

[c] the Petitioner shall not commit any offences of similar to the offence of which he is accused, or suspected, or of the



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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;

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

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

27.12.2024

ata/kkn

To

- 1.The VI Metropolitan Magistrate Court, Egmore, Chennai – 600 008.
- 2.Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
Traffic Investigation Wing,
V-5, Thirumangalam Police Station, Chennai.
- 4.The Public Prosecutor, High Court, Madras.



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L.VICTORIA GOWRI,J.

Ata/kkn

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