

HIGH COURT OF MADRAS**BENCH : C.V. Karthikeyan, J.****Date of Decision:** 13-03-2024

Criminal O.P. No. 5808 of 2024

SARAN PRABAKAR ...PETITIONER**VERSUS****STATE REPRESENTED BY THE INSPECTOR OF POLICE, REDHILLS
TRAFFIC INVESTIGATION WING POLICE STATION ...RESPONDENT****Legislation:**

Sections 279, 308, 427 of the Indian Penal Code (IPC)

Sections 181, 185, 188 of the Motor Vehicles Act

Section 229A IPC

Subject: Bail application in a case involving driving under the influence of alcohol and causing damage to property.**Headnotes:**

Petitioner's Arrest and Charges – Petitioner arrested and remanded for offences under Sections 279, 308, 427 of IPC read with Sections 181, 185, 188 of the Motor Vehicles Act in relation to a traffic incident while under the influence of alcohol causing property damage. [Para 1]

Alteration in Offences and Satisfaction Court – Request for alteration of offences and satisfaction court in the bail petition, modified to reflect the accurate charges and satisfaction court. [Para 2]

Prosecution's Case – Petitioner accused of driving under the influence, causing approximately Rs. 2,00,000 in damages to a shop, two-wheeler, and a signal post. [Paras 3-4]

Bail Granted with Conditions – Considering the factors and incarceration period, the court granted bail subject to several conditions including a bail bond, reporting to police, compensation deposit, and prohibitions against absconding and tampering with evidence. [Paras 5-6]

Conditions of Bail – Bail set at Rs. 10,000 with two sureties; regular reporting to police; deposit of Rs. 1,00,000 as compensation; restrictions against absconding and tampering with evidence or witnesses; consequences for breach of conditions as per P.K. Shaji vs. State of Kerala [(2005)AIR SCW 5560]; provision for registering fresh FIR under Section 229A IPC if accused absconds. [Para 6]

Referred Cases:

- P.K. Shaji vs. State of Kerala [(2005)AIR SCW 5560]

Representing Advocates:**Not mentioned in the provided excerpt.****ORDER**

C.V. Karthikeyan, J. -The petitioner who was arrested and remanded to judicial custody on 25.02.2024 for the offences registered by the respondent Police under Sections 279, 308, 427 of IPC r/w Sections 181, 185 & 188 of MV Act, in Crime No.107 of 2024, seeks bail.

2. The learned counsel for the petitioner filed a memo seeking alteration of the offences and the satisfaction Court in the petition. While issuing order copy, the Registry may note that the offences are Sections 279, 308, 427 of IPC r/w Sections 181, 185, 188 of MV Act and the Satisfaction Court is Judicial Magistrate No.II, Ambathur.

3. The case of the prosecution is that the petitioner drove a car under the influence of alcohol and caused damages to the shop, two wheeler and signal post.

4. It is stated by the learned Government Advocate (crl.side) that the total damage is caused about Rs.2,00,000/-.

5. Taking all the factors into consideration and the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ambathur and on further conditions that :-

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

[b] the petitioner shall report before the respondent Police, everyday at 5.30 p.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.107 of 2024 before the Judicial Magistrate No.II, Ambathur. The learned Magistrate, after entering into discussion with the

public prosecutor in that Court and distribute the amounts to those who suffered cost in a proportion manner. This would not preclude the others who had suffered the lost to claim further compensation in the manner known to law.

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

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

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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