

**Crl.O.P.No.22678 of 2022**

WEB COPY **A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 279 and 308 of IPC r/w 128, 177, 184, 188 of Motor Vehicles Act 1988 in Crime No.215 of 2022, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Gajendran, the Sub Inspector of Police, Traffic Investigation Police Station, Pondy Bazaar, Chennai, is that on 09.09.2022, while he was on duty, he received a video message through whatsapp in his mobile phone showing that on 08.09.2022 at midnight, 4 persons along with pillion riders totaling 8 persons have driven their motorcycles recklessly in a zig zag manner in Anna Salai, creating loud noise, causing panic and hazard to the other vehicle users and pedestrians and thereby, endangering their safety resulting in the complaint.

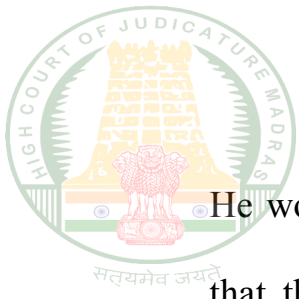
3. The learned counsel for the petitioner would submit that the petitioner is a youngster, aged about 22 years, hailing from the respectable



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family. He would further submit that the petitioner is a motorcycle enthusiast and a B.Tech drop out. He would also submit that the petitioner due to his youthful enthusiasm, used his motorcycle skills for a wrong purpose and thereby, he got into conflict with law. He would further submit that there was no intention on the part of the petitioner to attempt to commit culpable homicide and that other than the offence under Section 308 IPC, the other offences under the Motor Vehicles Act are bailable in nature. He would also submit that if the petitioner is arrested, his career and future would be at jeopardy. He would also submit that there is no bad antecedent against the petitioner and that some of the arrested accused have been released on bail by the Principal Sessions Court, Chennai in Crl.M.P.Nos.17544, 17568 and 17569 of 2022 on 19.08.2022 with conditions. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) would submit that the petitioner, who is an active person in Instagram with more than forty thousand followers, had driven the motorcycles along with the other accused in a reckless manner and by doing stunt and wheeling in the main Anna Salai, they have instilled fear in the minds of other drivers and pedestrians in the road and thereby, they created lawlessness in the society.



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He would also submit that they have driven the vehicle with a knowledge that their acts will cause endanger to the life of the pedestrians and co-drivers on the same road. He would reiterate that the petitioners have come all the way from Hyderabad to perform the illegal acts and thereby, caused infraction to public order. He would also submit that the video footage of the petitioner doing wheeling with the motorcycle has been uploaded in the social media and it is doing rounds on social media and he has set a bad example to the youngsters and hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that there is no complaint from any individual and no body has been injured and even as per the prosecution, the entire alleged act of the petitioner is stated to have been uploaded in the social media and also recorded in the CCTV camera installed along the road and the entire CCTV footages are also available. He would further submit that in such circumstances, there is no requirement for the petitioner for custodial interrogation and he is ready to cooperate with the investigation and also abide by any stringent condition imposed by this Court. Thereby, he prays for grant of anticipatory bail to the petitioner.



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6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the video uploaded in the social media.

7. This is the case where a young motorcycle enthusiast, who is also an active person in Instagram, hailing from the respectable family, had driven the vehicle in a reckless manner, causing fear and panic to the other drivers and pedestrians travelling on the same road and fortunately, no one has been injured. The petitioner is an youngster active in social media with huge followers, instead of being role model to youngsters, he is alleged to have set a bad example by driving the vehicle in a reckless manner on the main road, instilling fear in the minds of the pedestrians. However, taking into consideration the age of the petitioner and that if the petitioner is arrested and sent to jail, it would affect his future /career and further, the entire episode is available in CCTV footage, this Court is of the opinion that custodial interrogation is not required and anticipatory bail may be granted to the petitioner by imposing certain conditions that would in a way reform him.



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8. Taking into consideration the above facts and submissions of the case and taking note of the fact that some of the co-accused have been arrested and granted with bail, this Court is inclined to grant anticipatory bail to the petitioner.

9. 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 **IV Metropolitan Magistrate, Saidapet** on condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties (out of which one shall be either the father or mother of the petitioner), each 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 their Aadhar card or Bank pass Book to ensure their identity;



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[b] the petitioner shall stay at Chennai and report before the respondent Police, everyday at 5.00 p.m., for a period of three weeks;

[c] the petitioner shall stay at Chennai and report before the Duty Doctor, Rajiv Gandhi Government General Hospital, Chennai in Trauma Ward, from Tuesday to Saturday at 8.00 a.m and stay in Trauma Ward till 12.00 noon and assist the Ward Boys to take care of the patients at Trauma Ward for a period of 3 weeks from the date of execution of sureties. He shall also submit one page report daily about his experience in the Trauma Ward to the Duty Doctor and thereafter, the Dean shall forward the reports submitted by him at the end of three weeks to this Court;

[d] the petitioner shall upload a video in his Instagram account against reckless driving, drunken driving and insisting of wearing helmets and seat belts during driving;

[e] the petitioner shall file an Affidavit that he will not indulge in reckless driving, causing panic and hazard to the other drivers and pedestrians on the road;

[f] the petitioner shall be present at Teynampet-Mount Road Junction signal every Monday for a period of three weeks between 9.30 a.m. to 10.30 a.m. and 5.30 p.m. to 6.30 p.m. and distribute the pamphlets containing



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awareness messages against reckless driving, drunken driving and insisting for wearing helmets and seat belts during driving. The cost for printing the pamphlets shall borne by the petitioner;

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

[h] the petitioner shall not abscond either during investigation or trial;

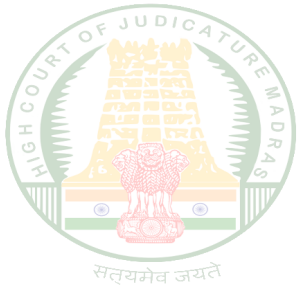
[i] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

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

10. Post the matter for reporting compliance on 04.11.2022.

**21.09.2022**

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