

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE V.G.ARUN

MONDAY, THE 22ND DAY OF MARCH 2021 / 1ST CHAITHRA, 1943

Bail Appl..No.2319 OF 2021

CRIME NO.98/2021 OF Peechi Police Station , Thrissur

PETITIONER/S:

SUNNY THOMAS

AGED 58 YEARS

SON OF THOMAS, ELAVANKIZHAKETHIL HOUSE, ADUKALLAPARA,
VANIYAMPARA P.O., PEECHI, THRISSUR

680652

BY ADV. SRI.BIJO FRANCIS

RESPONDENT/S:

STATE OF KERALA, REPRESENTED BY THE SUB INSPECTOR OF
POLICE, PEECHI POLICE STATION IN CRIME 98/2021
THROUGH THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA
682031

R1 BY PUBLIC PROSECUTOR

OTHER PRESENT:

SR.PP.C.S.HRITHWIK

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
22.03.2021, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER
Dated this the 22nd day of March, 2021

Petitioner is the accused in Crime No. 98 of 2021 registered at the Peechi Police Station for the offence under Section 3(1) of the Prevention of Damage to Public Property Act, 1984. The petitioner is alleged to have intentionally slammed his vehicle, a truck bearing registration No.KL-08 AN 5875, on the Innova car belonging to the High Court of Kerala, parked by the side of the National Highway at Vaniyampara, at about 2.10 p.m on 04.03.2021. According to the prosecution, the driver of the car had parked the vehicle and had gone to the nearby shop for purchasing a bottle of water. At that time, the petitioner reached the spot in his vehicle and on finding the car blocking the access to his shop, demanded to move the vehicle immediately. The driver of the car replied that he will move the vehicle after purchasing the bottle of water. The petitioner got enraged by the answer and straight away slammed his truck against the car, shouting out that no one need be under the impression that the board with 'High Court' written in red letters, gives him the right to do any mischief. The incident resulted in the High Court's

vehicle sustaining extensive damage and the petitioner being arrested by the police.

2. Even though the petitioner moved an application before the jurisdictional magistrate court, the same was dismissed vide Annexure A2 order. The learned Magistrate found the petitioner to have slammed his vehicle intentionally and placed reliance on the decision in **Hemanth Kumar and others v. Sub Inspector of Police and another [2011 (4) KHC 89]** and in **Hemachandran M.T.@ Kamalesh and others v. Sub Inspector of Police and another [2011 (4) KHC 689]** to hold that a rigorous approach ought to be taken when the offence alleged is under the PDPP Act.

3. Learned counsel for the petitioner submits that the petitioner has been in custody from 4.03.2021 onwards and that the incident had occurred on the spur of the moment and was not premeditated as alleged by the prosecution. It is submitted that the petitioner is willing to deposit the amount due towards the damage assessed. According to the learned Counsel, the petitioner is a law abiding citizen without any criminal antecedents and is prepared to abide by any stringent condition that may be imposed.

4. Learned Public Prosecutor opposes the application and

submits that it was sheer arrogance on the part of the petitioner to have intentionally slammed against the vehicle belonging to the High Court, even after the driver telling him that the vehicle will be moved immediately.

5. Sitting in this jurisdiction, one comes across various instances of road rage, violence and assaults on the roads, putting the drivers and passengers of vehicles at risk. Many countries like Australia, Germany and Singapore have made 'road rage' a punishable offence. Any person who engages in a course of conduct that causes or threatens an impact involving damage to another vehicle is guilty of road rage. Regulation 5 (1) & (2) of the Motor Vehicles (Driving) Regulations, 2017, require every driver to drive the vehicle with due care and caution at all times and to ensure that he is in control of his physical and mental abilities while driving. Section 19 of the Motor Vehicles Act provides for disqualifying a person from holding driving licence or to revoke the licence if such person has, by his previous conduct as the driver of a motor vehicle, shown that his driving is likely to be attended with danger to the public. It is pertinent to note that as on date there is no specific provision under the Motor Vehicles Act or the penal statutes which makes 'road rage' a punishable offence. This is an aspect

which should engage the attention of the law makers, particularly in view of the increase in the number of road rage incidents in the country.

6.The petitioner has been in custody from 4.03.2021 onwards and no purpose will be served by continuing his incarceration. At the same time, having committed an offence under the Prevention of Damage to Public Property Act, the petitioner is liable to deposit an amount equivalent to the damage assessed.

In the result, the bail application is allowed subject to the following conditions:

(I) The petitioner shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties for the like sum to the satisfaction of the court below.

(ii)The petitioner shall deposit an amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only), which has been assessed as the loss due to the damage sustained by the vehicle.

(ii)The petitioner shall appear before the Investigating Officer on the second Saturday of every month for a period of three months or till final report is filed, whichever is earlier.

(iii)The petitioner shall surrender his driving licence in the court below for a period of three months.

(iv)The petitioner shall not intimidate or attempt to influence the witnesses.

(v)The petitioner shall not commit any similar offence while he is on bail.

(vi) The petitioner shall surrender his passport in the

court below or file affidavit if he does not have a passport.

In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation of bail and pass appropriate orders thereon.

Sd/-
V.G ARUN
JUDGE

SJ