IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5299 of 2020

SHAHRUKH KHAN @ CHARLES [PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY, [RESPONDENT]
THE INSPECTOR OF POLICE,
S-8 ADAMBAKKAM POLICE STATION,
CHENNAI.
CRIME NO.36 OF 2020

For Petitioner : M/S.MOHAMMED AASIF Advocate

For Respondent : MR.K.PRABAKAR, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

1.The Petitioner herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 341, 294(b), 307 and 506(ii) of IPC, in Cr.No.36 of 2020, has filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.

2.The facts of the case of the Prosecution are that due to previous enmity regarding a bike race, the Petitioner/A1 along with the other accused had waylaid the son of the defacto complainant and abused him in a filthy language and attempted to cut him with an aruval and when it was thwarted by the son of the defacto complainant, he sustained injuries on his back and on fingers of both hands. Hence, the Petitioner has been implicated as an accused in the case on hand.

3.This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.

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4.According to the learned counsel for the Petitioner, the Petitioner is in no way connected with the alleged offences and he has been falsely implicated in the case on hand, due to earlier enmity regarding a bike race. The Petitioner is a student, studying B.Com in the SRM College. The Petitioner would abide by any conditions to be imposed by this Court for enlarging the Petitioner on anticipatory bail.

5.On the other hand, the learned Additional Public Prosecutor, while vehemently opposing to grant anticipatory bail, would submit that due to previous enmity, the Petitioner along with his friends indiscriminately attempted to cut the son of the defacto complainant with an aruval resulting in sustaining injuries on his back and fingers of both hands, when he thwarted the said attempt. He would further submit that the Petitioner has three other previous cases in Cr.Nos.458, 495 and 635 of 2019, on the file of the Respondent Police and hence, anticipatory bail cannot be granted.

6.Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, particularly considering the fact that the Petitioner/ accused has got three previous cases, this Court is not inclined to grant anticipatory bail in favour of the Petitioner. Accordingly, this Criminal Original Petition is dismissed.

-sd/-
09/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE
S-8 ADAMBAKKAM POLICE STATION,
CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.MOHAMMED AASIF Advocate on payment of necessary charges

CRL OP.5299/2020

Date :09/03/2020

MK.18/03/2020

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