

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Monday, the Sixteenth day of March Two Thousand Twenty

PRESENT

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

CRIMINAL ORIGINAL PETITION No.6050 of 2020

G.VIJAY

[ PETITIONER / ACCUSED ]

Vs

THE STATE BY

[ RESPONDENT ]

REP BY THE INSPECTOR OF POLICE

K-7, ICF POLICE STATION,

ICF COLONY, CHENNAI-600

CRIME NO. 3/2020

For Petitioner : M/S. M.VANITHA Advocate

For Respondent : M/S. 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), 323, 336, 392, 397 and 506 (ii) of IPC in Cr.No.3 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 as per the defacto complainant are that the Petitioner along with the other accused went to the juice shop of the defacto complainant and after having juice, they refused to pay the money and assaulted the defacto complainant and the Petitioner had taken Rs.900/- and one cell phone from the defacto complainant. Hence, the Petitioner has been implicated as A4 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.
- 4.According to the Petitioner, the Petitioner is innocent and he has been falsely implicated in the case on hand since he happened to be the friend of A1. A2 and A3 were arrested and enlarged on bail. 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 the Petitioner and the other accused have assaulted the defacto complainant with a knife and machete and the injured had been discharged from the Hospital.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioner, however, on stringent conditions. Accordingly, the Petitioner is hereby ordered to be released on anticipatory bail, in the event of his arrest or on his appearance before the V Metropolitan Magistrate, Egmore, within 15 days from the date of receipt of a copy of this order and further on the Petitioner complying with the following conditions, without fail:-

i. If the Petitioner fails to surrender before the V Metropolitan Magistrate, Egmore, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.

ii. The Petitioner shall 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 V Metropolitan Magistrate, Egmore. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

iii. The Petitioner shall report before the Respondent Police, daily at 10.30 a.m. and 5.30 p.m., until further orders.

iv. The Petitioner shall not abscond either during the investigation or the trial. The Petitioner shall not tamper with evidence or witness, either during the investigation or the trial.

v. On breach of any of the aforesaid conditions, the concerned 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 is released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in 2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala).

vi. If the Petitioner, thereafter, absconds, a fresh First Information Report shall be registered, under Section 229A of IPC.

-sd/-  
16/03/2020

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

TRUE COPY

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

TO

1 THE METROPOLITAN MAGISTRATE  
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE  
K-7, ICF POLICE STATION,  
ICF COLONY, CHENNAI.

+1 CC to M/S. M.VANITHA Advocate on payment of necessary charges  
SR.No.5102

सत्यमेव जयते

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CRL OP.6050/2020  
Date :16/03/2020

cs 20/03/2020