

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.6794 of 2020

1. Magesh
2. Rakesh Kumar

... Petitioners

Vs.

The State rep by
The Inspector of Police,
Korattur Police Station,
Chennai 600 080.
Crime No.270 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their
arrest in Crime No.270 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Elavarasan
N.Vinothini
A.Selvam
S.Sharmila

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294
(b), 324, 341 and 506(ii) IPC in Crime No.270 of 2020, on the file
of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners waylaid
the defacto complainant and his friend on 29.02.2020 at
Padavattamman Koil Theru, threatened, assaulted and abused them with
filthy language, thereby caused injuries. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the
petitioners have been granted interim bail for a period of eight
weeks by an order dated 30.04.2020 and pursuant to the order, the
petitioners have complied with the conditions imposed. He further
submitted that the petitioners are innocent and they are no-way
connected with the alleged offence. Hence, he prays for grant of
anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners in a drunken mood picked up quarrel, abused and assaulted the defacto complainant and his friend. He further submit that the victims suffered 30 sutures and another one got seven sutures and now they have been discharged from the hospital and the first petitioner has no previous case and the second petitioner has one previous case. He would further submitted that the petitioners have been granted interim bail for a period of eight weeks by an order dated 30.04.2020. Therefore, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the victims have been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Ambattur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 petitioners 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.

[b] the petitioners shall report before the respondent daily at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m. until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

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

[e] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

7.With the above directions, this Criminal Original Petition is ordered.

-sd/-
17/07/2020

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 JUDICIAL MAGISTRATE,
AMBATTUR

2 THE STATE REP. BY
KORATTUR POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to S.ELAVARASAN Advocate on payment of necessary charges

CRL OP.6794/2020

RD 24/08/2020

Date :17/07/2020

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