

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.03.2020
CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE
Crl.OP.No.6801 of 2020

M.Dheenadayalan

.... Petitioner

Vs

State, Rep. by

The Inspector of Police

K-1, Sembium Police Station, Chennai.

(Crime No.199 of 2020)

.... Respondent

Prayer :-Criminal Original Petition filed under Section 438 of Cr.P.C., for anticipatory bail, to enlarge the petitioner on bail in the event of his arrest in Crime No.199/2020 on the file of the Inspector of Police, K-1 Sembium Police Station, Chennai.

For Petitioner : Mr.D.Manoj Kumar

For Respondent : Mrs.S.Thankira

Government Advocate [Crl. Side]

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323, 324 & 506(ii) of IPC., in Crime No.199 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 03.03.2020, while attending the death funeral, a wordy quarrel arose between the defacto complainant and his friends, and thereafter, on his way back to his house, the defacto complainant was attacked with a wooden log on his head, hands and legs by the accused persons, due to which, he sustained cut injury on his left ear. Hence, the complaint was lodged against four named accused and others.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he was not present at the place of occurrence, and that a false case has been foisted against the petitioner. He further added that the petitioner name did not figure out in the present FIR. Therefore, he prays for grant of anticipatory bail to the petitioner

4. The learned Government Advocate (Crl.Side) would submit that the nature of injury sustained by the petitioner was grievous. She further added that the injured has been discharged from the hospital. However, she opposed this Court granting anticipatory bail to the petitioner.

5. Taking into account the nature of the allegation and that the petitioner name did not figure out in the present FIR, and that the injured has been discharged from hospital, this court deems it appropriate to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of thirty days from the date on which the order copy made ready, before the learned XVI Metropolitan Magistrate, George Town, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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 conditions 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.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

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

[d] the petitioner 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 absconds, a fresh FIR can be registered under Section 229A IPC.

6. In view of the COVID-19 threat perception, this Court directs the respondent police not to conduct any enquiry on the petitioners, till COVID-19 threat perception and the protocol, which the Government issue subsists. The petitioner is also directed to strictly adhere to the conditions set out under Section 438 Cr.P.C., and also stay home bound / quarantined during the period when COVID-19 threat perception.

-sd/-
24/03/2020

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.XVI, GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-1 SEMBIUM POLICE STATION,
CHENNAI.

+1CC to M/S. D.MANOJ KUMAR Advocate on payment of necessary charges SR NO.5664

CRL OP.6801/2020

Date :24/03/2020

MK:29/06/2020

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