

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 7373 of 2020

S.Sankar @ Frank Shankar

... Petitioner/1st Accused

Vs.

The State represented by,
The Sub-Inspector of Police,
T-15 SRMC Police Station,
Chennai.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in respect of Crime No.149 of 2020 pending investigation on the file of the Sub-Inspector of Police, T-15 SRMC Police Station.

For Petitioner : Mr.D.Rajagopal

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

O R D E R

(The case has been heard through video confernce)

The Petitioner who apprehends arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 147, 148, 294(b), 324, 506(ii) of IPC, in Crime No. 149 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A1 is the owner of the shop and the defacto complainant is the tenant and there was a quarrel between the petitioner and the defacto complainant and it is alleged that the petitioner has assaulted the defacto complainant and abused him in unparliamentary words. Due to which, the defacto complainant has sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and a false case has been foisted against him. He would submit that this Court had by order dated 30.04.2020 granted Interim Anticipatory bail till the first week of July 2020 and he would pray that it may be made absolute.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the injured has been discharged from the hospital. He further submitted that there is one previous case pending against the petitioner. Therefore, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the Interim Anticipatory bail granted on 30.04.2020 is made absolute and the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Poonamallee, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with one 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 petitioner and the surety 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 daily at 10.30 a.m., for a period of two weeks and thereafter 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

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

-sd/-
08/07/2020

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,
NO.I, POONAMALLEE.

2 THE SUB-INSPECTOR OF POLICE,
T-15 SRMC POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.RAJAGOPAL Advocate on payment of necessary charges

CRL OP.7373/2020

Date :08/07/2020

cs 17/08/2020

WEB COPY