

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.8850 of 2020

1.Vetrivel
2.Dilipkumar

... Petitioners

Vs.

State rep. by
Inspector of Police
St.Thomas Mount Police Station
Chennai District
Crime No.640 of 2020

... Respondent

Prayer:Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.640 of 2020 on the file of the Inspector of Police, St. Thomas Mount Police Station, Chennai District.

For Petitioners : Mr.Swami Subramanian

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 448, 324, 294(b) and 506(ii) IPC in Crime No.640 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the wife of A1 was admitted in the hospital and she was undergoing treatment in the ICU. The further case of the prosecution is that on the date of occurrence, the petitioners along with two other persons picked up quarrel with the hospital staff in an inebriated state and they have assaulted the hospital staff and he sustained injuries. There are totally 4 accused persons in this case and the petitioners are ranked as A1 and A3.

3.The learned counsel appearing for the petitioners submitted that the wife of A1 was in a very serious condition and no one was informing the correct status and there was a wordy quarrel. The learned counsel further submitted that the petitioners did not involve in attacking any one.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the hospital staff was assaulted by the accused persons and he sustained simple injuries. The learned counsel further submitted that the injured has been discharged from the hospital and there are no previous cases pending against these petitioners.

5.Taking into consideration of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Alandur, Chennai District, on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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 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 deposit a sum of Rs.1,500/- (Rupees one thousand five hundred only) each to the credit of the **President Tamil Nadu Advocate Clerk Association, High Court, Madras (A/c.No.484026006 IFSC Code No.IDIBO00M157)** .

[c] the petitioners shall report before the respondent police, as and when required for interrogation.

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

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

[f] 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]** .

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

-sd/-
17/06/2020

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,
ALANDUR, CHENNAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ST.THOMAS MOUNT POLICE STATION,
CHENNAI DISTRICT.

5 THE PRESIDENT TAMIL NADU ADVOCATE CLERK ASSOCIATION,
HIGH COURT, MADRAS (A/C.NO.484026006
IFSC CODE NO.IDIBOOM157) .

CC to SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.8850/2020

Date :17/06/2020

MK:02/09/2020

WEB COPY