

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.8908 of 2020

Baskar @ Kothandapani, M/a. 41 Years
S/o. Sellappan
No.18, 1st Street, Ambedkar Nagar,
Pudupattinam, Thirukalikundram
Kancheepuram District. ... Petitioner

Vs.

State By
The Inspector of Police,
Kalpakkam Police Station,
Kanchipuram District.
Cr. No.551 of 2020 ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail, in the event of his arrest by the
respondent police in the case pending investigation in Crime No.551 of
2020 on the file of the respondent police.

For Petitioner : Mr. R.Thamaraiselvan

For Respondent : Mr.M.Mohammed Riyaz,

Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324,307 of IPC in Crime No.551 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that ten days prior to the occurrence, there was a quarrel between the petitioner and the defacto complainant. During which, the petitioner is said to have assaulted the defacto complainant. Therefore, the defacto complainant has pushed the petitioner due to which, the petitioner fell down in a pit. In continuation of the same, on 08.06.2020 when the defacto complainant along with his friend was going to cut his hair, the petitioner stabbed the defacto complainant with knife on his neck due to which, the defacto complainant sustained grievous injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital. However, he vehemently opposed for the grant of anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered 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 District Munsif Cum Judicial Magistrate, Thirukazhukundram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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 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 daily at 10.30 a.m. for a period of four 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/s, a fresh FIR can be registered under Section 229A IPC.

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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

vsn

To

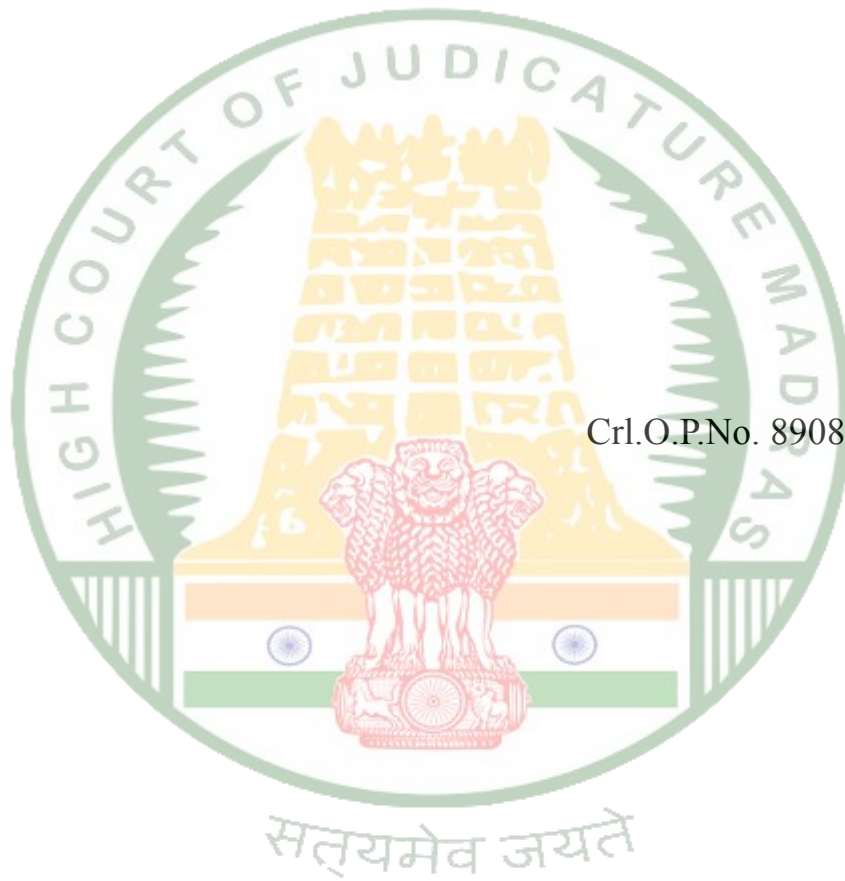
- 1.The learned District Munsif Cum Judicial Magistrate,
Thirukazhukundram.
- 2.The Inspector of Police,
Kalpakkam Police Station,
Kanchipuram District.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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G.K.ILANTHIRAIYAN, J

vsn



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