

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No. 9277 of 2020

Akash @ Kutty

... Petitioner/2nd Accused

Vs.

State Rep. by
The Inspector of Police,
R-5, Virugambakkam Police Station,
Chennai.
Cr. No.343 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.343 of 2020 on the file of the respondent police, pending investigation.

For Petitioner : Mr.V.Purushothaman Reddy

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor
(in Crl.OP.No.9277/2020)

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor
(in Crl.MP.No.5713/2020)

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 324, 427 and 506 (ii) of IPC, in Crime No.343 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 27.05.2020 at about 11.55 hrs, one Sathish along with others attacked the defacto complainant's grand son and threatened him with dire consequences due to previous altercation between them.

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. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner attacked the defacto complainant and the injured discharged from the hospital. The learned counsel further submitted that there is no previous case against the petitioner. Hence he vehemently opposed to grant 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 **(*)XXIII Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
24/06/2020

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.

(*) Amended as per order of this Court dated 24.09.2020 made in Crl.MP.No.5713/2020 in Crl.OP.No.9277/2020

TO

**(*)1 THE METROPOLITAN MAGISTRATE
NO.XXIII, SAIDAPET, CHENNAI.**

2 THE METROPOLITAN MAGISTRATE
NO.XIII, SAIDAPET, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-5, VIRUGAMBAKKAM POLICE STATION,
CHENNAI.

CC to M/S. V.PURUSHOTHAMAN REDDY. Advocate on payment of necessary charges

CRL OP.9277/2020

Date :24/06/2020

cs 24/07/2020
cs 16/10/2020