

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.06.2020

CORAM

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

CrI.O.P.No.9357 of 2020

R.Rajasekar,
S/o Rajamanickam,
NO.3/59, Madha Koil Street,
Perumbakkam,
Chennai 600100.

Petitioner/A-1

Vs.

State Rep. by
The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai.
Cr. No.916 of 2020

Respondent/ Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
Crime No.916 of 2020 on the file of the respondent police.

For Petitioner : Mr. D.Amalraj
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 307 and 506(ii) of IPC in Crime No.916 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused abused the defacto complainant with filthy language, and also assaulted him with knife on his head, leg, hand and stomach caused injuries and also threatened with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submitted 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 submitted that the petitioner in this case has ranked as A-1. Due to the wordy quarrel, the petitioner along with other accused abused and assaulted the defacto complainant and caused head injury. Hence the defacto complainant admitted in hospital and later, the injured discharged from the hospital. He further submitted that there is one previous case pending against the petitioner. Hence he opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts 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/A1 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 Judicial Magistrate Court -II, Alandur, on condition that the petitioner

shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood sureties 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., until further orders.

[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.

25.06.2020

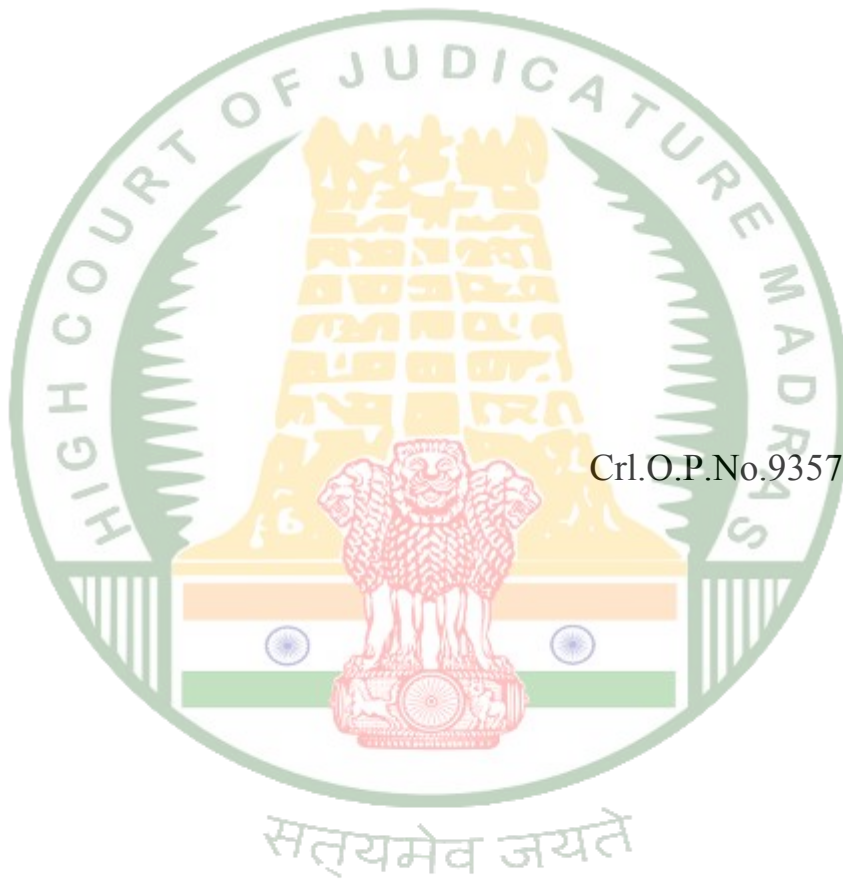
Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
jrs

To

- 1.The Judicial Magistrate Court -II,
Alandur
2. The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN, J

jrs



Crl.O.P.No.9357 of 2020

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