

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 9600 of 2020

Abinath

... Petitioner

Vs.

The State rep by
Inspector of Police,
Pallikaranai Police Station,
Kancheepuram District.
(Crime No.703/2020)

... 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
in Crime No.703 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Muruganantham

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

O R D E R

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 307 of
IPC in Crime No.703 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant
has lodged the complaint against the petitioner and 2 others stating
that there was a wordy quarrel between her son, the petitioner and 2
others over a sports game, due to which, the petitioner and 2 others
have attacked the defacto complainant's son on 07.05.2020 at 08.30
p.m. with knife, resulting which, her son sustained injuries.
Therefore, he was admitted in the hospital and later discharged from
hospital. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that the
petitioner has not committed any offence as alleged by the
prosecution. While the petitioner and his friend playing sports on
holidays, the defacto complainant took up quarrel with the
petitioner, due to that, the petitioner has refused to play along
with his friend. Having enraged over the same, his friend has given
a false information to the mother of defacto complainant that
petitioner and 2 others have attacked him with knife, who in turn

lodged a false complaint against the petitioner. Hence, the petitioner is no way connected with the scene of occurrence. The defacto complainant was discharged from the hospital on the same day, and there is no previous antecedent against the petitioner. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there was a wordy quarrel between the petitioner and the defacto complainant. The defacto complainant has sustained head injury and subsequently he was discharged from the hospital. There is no previous case against the petitioner and as such, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.2, Alandur, 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 appear 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
29/06/2020

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.2, ALANDUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PALIKARANAI POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S.K.MURUGANANTHAM Advocate on payment of necessary charges

CRL OP.9600/2020

Date :29/06/2020

cs 24/07/2020

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