

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 9637 of 2020

Harish

... Petitioner

Vs.

The State rep by
Inspector of Police,
R-5 Virugambakkam Police Station,
Chennai.
(Crime No.325/2020)

.... 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.325 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Gopi Krishnan

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 188, 147, 148, 341, 294(b), 323 and 307 of IPC in Crime No.325 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 05.05.2020, the defacto complainant, mother of injured person Dinesh, who was taking treatment as in-patient in Rajiv Gandhi Government Hospital, Chennai had lodged a complaint before the respondent police stating that while her son Dinesh and his friends were sitting and talking nearby home, at about 09.00 p.m., there was some wordy altercation arose between them, resulting which, the petitioner along with his friends were caught hold the defacto complainant's son and attacked him by hands and A1 attacked him with knife, thereby caused injuries. Hence, the present complaint.

3. The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner and no such occurrence said to have taken place as alleged by the defacto complainant. It is true that the defacto complainant's son and A1 were friends and there was some misunderstanding

arose between them and subsequently there was push and pull between them, due to which, A1 attacked the son of defacto complainant and caused injuries. Being the friend of injured person Dinesh as well as A1, the petitioner name was implicated in the present case. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there was a wordy quarrel between the defacto complainant's son and his friends. Subsequently, there was some push and pull between them, resulting which, multiple injuries caused to her son on the head and chest. After taking treatment, the injured 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 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 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 XXIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to D.GOPIKRISHNAN Advocate on payment of necessary charges

CRL OP.9637/2020

Date : 29/06/2020

GKS (CS) : 03/08/2020

WEB COPY