

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9717 of 2020

Saravanakumar @ Ward Saravanan, M/31
S/o.Munusamy,
Perumal Koil street, Gandhinagar,
Edapalaiyam Village,
Chennai - 52.

... Petitioner

Vs

The State represented by
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
(Crime No.1860/2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.1860 of 2020, on the file of the Inspector of Police, Sholavaram Police Station, Thiruvallur District.

For Petitioner : Mr.M.Sathyasai Eswari

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 Sections 147, 148, 294 (b), 324, 341, 506 (i) of IPC in Crime No. 1860 of 2020 seeks anticipatory bail.

2. The case of the prosecution is that there was a quarrel between the petitioner and the defacto complainant and it is alleged that the petitioner assaulted the defacto complainant with hands and also abused in unparliamentary words. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is 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. He further submitted that there are two previous cases against the petitioner under which one is under Section 307 and another one is robbery case. Hence he

5.This Court is of the opinion that due to the present circumstances, the custodial interrogation is impossible. Accordingly, petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Thousand only) as non refundable deposit to the credit of the Chief Minister Public Relief fund, without prejudice to his rights and contentions before the trial Court. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

6.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 directed to deposit a sum of Rs.25,000/- (Rupees Twenty Thousand only) as non refundable deposit to the credit of the Chief Minister Public Relief fund, within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate - II, Ponneri, 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 blood related 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 deposit a sum of Rs.25,000/- (Rupees Twenty Thousand only) as non refundable deposit to the credit of the Chief Minister Public Relief fund, and shall produce the said receipt before the Court below.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] 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.II, PONNERI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SECRETARY
THE CHIEF MINISTER PUBLIC RELIEF FUND,
ST GEORGE TOWN, CHENNAI
TAMILNADU

3 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT,

CC to M.SATHYASAI ESWARI Advocate on payment of necessary charges

WEB COPY

CRL OP.9717/2020

Date :29/06/2020

rd 28/07/2020