

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10335 of 2020

1.M.Udayakumar
2.Thangam

... Petitioners

Vs.

State Represented by
The Inspector of Police,
E-3,Teynampet Police Station,
Station, Chennai-18.
Cr.No.480 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to grant Anticipatory bail to the petitioners, in the event of their arrest, concerned in Crime No.480 of 2020, on the file of the Respondent police.

For Petitioners : Mr.C.Prabakaran

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

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 323 and 506(ii) of IPC in Crime No.480 of 2020, on the file of the respondent police, seek anticipatory bail.

2. It is the case of the prosecution that the petitioners and the defacto complainant are neighbours. On 25.06.2020, a wordy quarrel arose between the petitioners and the defato complainant. At that time, the petitioners threatened the defacto complainant with dire consequences and also assaulted him due to which, he sustained severe injuries. Hence the complaint.

3. The learned counsel appearing for the petitioners would

<https://hcsecrecy.courts.gov.in/hcsecrecy/> petitioners are innocent and they have been falsely

implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the injured has been discharged from the hospital. However, he opposed for the grant of anticipatory bail to the petitioners.

5. Considering the 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 petitioners with certain conditions.

[a] Accordingly, the petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date on which order copy made ready, before the learned Metropolitan Magistrate XVIII, Saidapet, Chennai-15, on condition that the petitioners shall execute separate 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:

[b] the petitioners 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.

[c] the petitioners shall report before the respondent police daily at 10.30a.m., within a period of one week and thereafter, as and when required for interrogation.

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-

09/07/2020

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 METROPOLITAN MAGISTRATE XVIII,
SAIDAPET, CHENNAI-15.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
E-3 TEYNAMPET POLICE STATION,
CHENNAI-18.

CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges

सत्यमेव जयते CRL OP.10335/2020

Date :09/07/2020

MN-RD-03/08/2020

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