

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.10628 of 2020

S.Vimal

... Petitioner

Vs.

State Rep.by

The Inspector of Police (Law and order),
D-5 Marina Police Station,
Chennai - 600 005.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No. 399 of 2020 on the file of the respondent police.

For Petitioner : M/s.R.S.Mangala Kumar
A.Ilaya Perumal

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

O R D E R

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 307,
294(b), and 506(ii) IPC in Crime No.399 of 2020, on the file of the
respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with
other accused persons, had picked up a quarrel with the defacto
complainant in connection with the elopment of the defacto
complainant's cousin sister and also attacked the defacto complainant
due to which, the defacto complainant sustained injuries. Hence, the
complaint.

3. The learned Counsel for the petitioner submitted that the
petitioner is an innocent and that a false case has been foisted
against him. He further submitted that the co-accused namely, A1 and
A2 were granted anticipatory bail by this Court in CrI.OP.No.8803 of
2020 dated 17.06.2020 and CrI.OP.No.7376 of 2020 dated 19.06.2020.
Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the
petitioner along with other accused, assaulted the defacto
complainant with knife and deadly weapons resulting in the defacto
complainant sustaining head injury. He further submitted that there

are no previous cases pending against the petitioner and the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the victim has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Metropolitan Magistrate No.II, Egmore, 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 report before the respondent daily at 10.30 a.m. for a period of two weeks and thereafter every Monday 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, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

16/07/2020

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 NO. II METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE (LAW AND ORDER),
D5, MARINA POLICE STATION,
CHENNAI.

CC to M/S. R.S. MANGALKUMAR Advocate on payment of necessary charges

CRL OP. 10628/2020

Date : 16/07/2020

RVR 04/09/2020

सत्यमेव जयते

WEB COPY