

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.10679 of 2020

R.Rajasekar

... Petitioner

Vs.

State rep by

... Respondent

The Inspector of Police,
S-10, Pallikaranai Police Station,
Chennai.

Cr. No. 1085 of 2020

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.1085 of 2020 on the file of the respondent police.

For Petitioner : M/s.D.Amalraj

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 147, 148, 294(b), 336 and 506(ii) IPC and Section 41(VI) of TN City Police Act in Crime No.1085 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the other accused have celebrated the birthday of A1 by cutting cake using a patta knife and when the same was questioned by the defacto complainant, the accused attempted to stab the defacto complainant in his neck but he managed to escape. Hence, the complaint.

3.The learned Counsel for the petitioner submitted that the petitioner is innocent and he was called to attend the birthday function of his Advocate and he has nothing to do with the alleged offences. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner and the other accused celebrated the birthday of A1 in a

public road by cutting cake with patta knife along with the other accused. When the same was questioned by the defacto complainant, they abused and assaulted the defacto complainant and threatened with dire consequences. He further submitted that there is a previous case pending against the petitioner under Section 307 and opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed 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 Judicial Magistrate No.II, Alandur, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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. and 5.30 p.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 petitioners 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 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].

[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/-
17/07/2020

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 JUDICIAL MAGISTRATE NO.II,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-10, PALLIKARANAI POLICE STATION,
CHENNAI.

CC to M/S. D.AMALRAJ Advocate on payment of necessary charges

CRL OP.10679/2020

Date :17/07/2020

TA-25/08/2020

WEB COPY