

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2020

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THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.11041 of 2020

Abirami,
W/o.Edwin

... Petitioner

Vs.

State rep. by
Inspector of Police
St.Thomas Mount Police Station
Chennai District
Crime No.640 of 2020

... 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.640 of 2020 on the file of the Inspector of Police, St. Thomas Mount
Police Station, Chennai District.

For Petitioner : Mr.Swami Subramanian

For Respondent : Mr.T.Shunmuga Rajewaran,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 448, 324, 294(b) and 506(ii) IPC in Crime No.640 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the wife of A1 was admitted in the hospital and she was undergoing treatment in the ICU. The further case of the prosecution is that on the date of occurrence, the petitioner along with two other persons picked up quarrel with the hospital staff in an inebriated state and they have assaulted the hospital staff and he sustained injuries. There are totally 4 accused persons in this case.

3.The learned counsel appearing for the petitioner submitted that the wife of A1 was in a very serious condition and no one was informing the correct status and there was a wordy quarrel. The learned counsel further submitted that the petitioner did not involve in attacking

any one. He would further submit that the co-accused were granted anticipatory bail in CrI.O.P.No.8850 of 2020 on 16.06.2020.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that the hospital staff was assaulted by the accused persons and he sustained simple injuries. The learned counsel further submitted that the injured has been discharged from the hospital and there are no previous cases pending against 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 and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

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6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on her 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.I, Alandur, Chengalpattu District, 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 deposit a sum of Rs.1,500/- (Rupees one thousand five hundred only) each to the credit of the **President Tamil Nadu Advocate Clerk Association, High Court, Madras** **(A/c.No.484026006 IFSC Code No.IDIBOOOM157)**

[c] 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.

[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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

A.D.JAGADISH CHANDIRA, J

sli

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

28.07.2020

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Internet: Yes/No

Index: Yes/No

Speaking Order/Non Speaking Order

To

1.The Judicial Magistrate No.1
Alandur, Chengalpattu District.

2.Inspector of Police
St.Thomas Mount Police Station
Chennai District
Crime No.640 of 2020

3.The Public Prosecutor
High Court of Madras
Chennai 600 104.

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