

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10942 of 2020

U.Prabhu

... Petitioner

Vs.

State Rep by its  
The Inspector of Police  
M-2, Madhavaram Milk Colony Police Station  
Chennai - 600 051.  
(Crime No.795 of 2020)

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, to enlarge him on bail in the event of arrest by the respondent police pending investigation in Crime No.795 of 2020 on the file of Inspector of Police, M-2 Madhavaram Milk Colony Police Station, Chennai, or appear in Court in the above case.

For Petitioner : Mr.A.Arunkumar

For Respondent : Mr.S.Karthikeyan  
Additional Public Prosecutor

ORDER

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 323 and 506(i) I.P.C in Crime No.68 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on 04.06.2020, when the defacto complainant along with his friend proceeding in the Mannady Street, the petitioner and his associates restrained them and assaulted with hand. The defacto complainant has sustained injuries. They also attempted to assault with liquor bottle to the defacto complainant's friend but he escaped from that assault. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and his associates while standing in the Mannady Street, the defacto complainant and his associates came behind them and voluntarily teased and started altercation with the petitioner and his associates and assaulted each other with hand. The petitioner has also assaulted the defacto complainant and his associates. He further submitted that the petitioner and his associates have also given the complaint but the respondent has refused to do so. Hence, he seeks bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner has involved in three previous cases, out of which, one is murder case. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Taking note of the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 from the date on which the order copy made ready, before the learned Judicial Magistrate cum District Munsiff, Madhavaram, 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 Court 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 police daily at 10.30 a.m. and 5.00 p.m., until further orders.

[c] the petitioner shall not tamper with the 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 petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself/herself 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
31/07/2020

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,  
CUM DISTRICT MUNSIFF, MADHAVARAM.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
M-2, MADHAVARAM MILK COLONY POLICE STATION,  
CHENNAI - 600 051.

CC to M/S. A.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.10942/2020

Date :31/07/2020

cs 02/09/2020

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