

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11590 of 2020

P.Arputhan

... Petitioner

Vs.

The State Rep. By

The Inspector of Police,
D6 Anna Square Police Station,
Chennai.

(Crime No.317 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 his arrest in Crime No.317 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.M.Premkumar

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

O R D E R

(The 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 and 326 of IPC, in Crime No.317 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 29.06.2020, without any provocation the petitioner assaulted the defacto complainant and his wife with hammer and thereby they sustained grievous injuries. Hence, the complainant.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that there was a quarrel between the petitioner and the defacto complainant, due to which, the de facto complainant assaulted him and as a pre-emptive measure, a false complaint has been given by the defacto complainant. He would also submit that the petitioner also sustained injuries and the victim was only treated as an out

patient. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and the defacto complainant are neighbours, on 29.06.2020 without any provocation the petitioner assaulted the defacto complainant and his wife with the hammer and later he himself slit his neck and inflicted self injuries. He would also submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, and also the fact that the injured has treated as an out patient, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 from the date on which the order copy made ready, before No.II, Metropolitan Magistrate Court, Egmore, Chennai, 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 J-10, Semmencherry Police Station daily at 10.30 a.m. and 5.30 p.m, until further orders and the petitioner shall not go near the house of the defacto complainant.

[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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
04/08/2020

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 NO.II METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
D6, ANNA SQUARE POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE,
J-10, SEMMENCHERRY POLICE STATION

+2 CC to M/S. B.M.PREMKUMAR Advocate on payment of
necessary charges SR.NO 5844

CRL OP.11590/2020

Date : 04/08/2020

GKS (TA) : 13/08/2020