

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11690 of 2020

Manikandan

... Petitioner

Vs.

State rep. by
The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
(Cr.No.1788 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest concerned in Crime No.1788 of 2020 on the file of the Inspector of Police, E-5, Sholavaram Police Station, Thiruvallur District.

For Petitioner : Mr.P.Chandrasekar

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 294(b), 324, 506(ii) @ 294(b), 324, 506(ii), 307 IPC in Crime.No.1788 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Paritha is that, the petitioner along with other accused, abused her with filthy language and also assaulted her son. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated as A3 in this case since, he happens to be known to A1 and A2. He would further submit that A1 and A2 were arrested and released on bail on 15.05.2020 and the alleged victim has also been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the son of the defacto complainant was taking with his friends near a shop. This was not liked by the accused. Thereby, the petitioner along with other accused abused and assaulted the son of the defacto complainant. He would further submit that the victim has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also of the fact that the injured has been discharged from the hospital, 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 his arrest by the respondent police or on his appearance, within a period of fifteen days from the date of lifting of lockdown or commencement of Court's normal functioning whichever is earlier, before the Judicial Magistrate-II, Ponneri, 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 police daily 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

07/08/2020

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 JUDICIAL MAGISTRATE,
NO.II, PONNERI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

CC to P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.11690/2020

Date :07/08/2020

RVR 16/09/2020

सत्यमेव जयते
WEB COPY