

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.11311 of 2020

C.Gnanam

... Petitioner

Vs.

The State Represented by, ...Respondent
The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai.
Crime No.999 of 2020.

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.999 of 2020 pending on the file of the respondent police.

For Petitioner : Mr. K. Balasubramaniam
For Respondent : Mr. T. Shunmugarajeswaran,
Government Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 341 and 307 of IPC in Crime No.999 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Karthick is that the petitioner's brother Ranjith Kumar was murdered in respect of which, a case in Crime No.722 of 2020 was registered by the respondent police. The defacto complainant was aware of the accused who have murdered his brother Ranjith Kumar. Therefore, the petitioner in a drunken state, has approached the de-facto complainant to know the persons who have murdered his brother Ranjith Kumar for which the de-facto complainant's brother namely Vignesh was an eye witness. When the de-facto complainant refused to

reveal the names of the accused persons, there was a wordy quarrel between them as a result of which, the petitioner attacked the de-facto complainant with deadly weapons and caused injuries. Hence the case.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected in this case and that has been falsely implicated in this case. He would further submit that the alleged victim has been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the defacto complainant's brother is the eye witness in the case. Earlier, the petitioner's brother was murdered and that the petitioner suspecting the defacto complainant's brother picked up a quarrel with the defacto complainant and assaulted him with deadly weapons. He would further submit that victim sustained simple injuries and he has been discharged from the hospital. Further he submitted that there is no previous pending against the petitioner. However, he opposed for grant of anticipatory bail to 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 against the petitioner, 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 (15) fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned District Munsif -Cum-Judicial Magistrate, Sriperumbudhur, 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 every day 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 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.

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

-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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-14, MANGADU POLICE STATION,
MANGADU, CHENNAI.

CC to K.BALASUBRAMANIAM Advocate on payment of necessary charges

CRL OP.11311/2020

Date :31/07/2020

TA-21/08/2020