

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2020

CORAM

THE HONOURABLE Mr.JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.11540 of 2020

Ranjith Kumar,
S/o.Sankar,
No. 638, 20th block, Nagoorar Garden,
New Washermenpet,
Tondiarpet, Chennai-81.

... Petitioner

Vs.

The State Rep by
Inspector of Police,
N-4, Fishing Harbour Police station,
Chennai.

(Crime No. 1063/2020)

...Respondent

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.1063 of 2020 pending on the file of the respondent police.

For Petitioner : Mr. K.Thenrajan

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, 294(b), 323 and 506(i) of IPC in Crime No.1063 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 21.07.2020, the petitioner along with other accused, in a drunken mood, waylaid the de facto complainant, attacked him and threatened him with dire consequences.

3. The learned Counsel for the petitioner would submit that the de facto complainant created the problem in a drunken mood and that there was a quarrel between the petitioner and the de facto complainant, due to which, the petitioner and other accused attacked the de facto complainant. He would submit that the petitioner is an innocent person and he has been falsely implicated in this case.

Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there are totally three accused. He would submit that the petitioner along with other accused, in a drunken mood, had picked up a quarrel with the de facto complainant, attacked him and also threatened him with dire consequences. He would submit that the injured has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the fact that the victim has been discharged from the hospital, 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 fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned XVI Metropolitan Magistrate, George Town, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 for a period of two(2) weeks and thereafter, every Monday at 10.30.am 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.

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

-sd/-

03/08/2020

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 METROPOLITAN MAGISTRATE,
NO.XVI,GEORGE TOWN,CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
N-4, FISHING HARBOUR POLICE STATION,
CHENNAI.

CC to M/S. K.THENRAJAN Advocate on payment of necessary charges

CRL OP.11540/2020

Date :03/08/2020

RD 01/09/2020

सत्यमेव जयते

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