

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2020

CORAM :

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

Crl.O.P.No.11807 of 2020

Boopathy

... Petitioner

Vs.

State rep. by its
The Inspector of Police,
K-11 CMBT Police Station,
Chennai.
Crime No.682 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.682 of 2020 on the file of the Inspector of Police, K11 CMBT Police Station, Chennai.

For Petitioner : Mr.J.Milton Arul Rajendran

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

ORDER

(The 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 294(b), 324, 506(ii) IPC and section 3 of TN Public Property (Prevention of Damages and Loss) Act, 1992 in Crime No. 682 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the son of the defacto complainant. Due to property dispute, the petitioner abused and assaulted the defacto complainant and damaged the household articles. 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 in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that due to quarrel, the petitioner, in an drunken mood assaulted the defacto complainant and caused simple injury and also damaged the household articles. He would further submit that there is no previous case as against the petitioner and that the alleged injured 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 the commencement of Court's normal functioning whichever is earlier**, before the XXI Metropolitan Magistrate, 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 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/-
06/08/2020

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 XXI Metropolitan Magistrate,
Egmore, Chennai.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
K-11 CMBT POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS.

CC to M/S.J.MILTON ARUL RAJENDRAN Advocate on payment of
necessary charges

CRL OP.11807/2020

Date :06/08/2020

TA-21/08/2020

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