

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.12408 of 2020

Vijay
S/o.Venkatesan

... Petitioner/A1

Vs.

The State Represented by,
The Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai.

Crime No.557 of 2020. ...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in connection with the Crime No.557 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.B.Janakiram

For Respondent : Mr. M.K.Prabakar
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506(ii) of IPC in Crime No.557 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that regarding property dispute the petitioner/A1 along with A2, abused and attacked the defacto complainant's son with hands and he sustained simple injuries. Hence, the complaint.

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 further submit that

a counter case was also filed by the petitioner in this regard in Crime No.556 of 2020. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that due to property dispute, the petitioner abused and attacked the defacto complainant's son with hands. He would also submit that a counter case was also filed by the petitioner in this regard in Crime No.556 of 2020. He would further submit that the victim has no injuries.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there is a case in counter, 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Ambattur, 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., for a period of two weeks and thereafter on every Monday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

17/08/2020

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,
AMBATTUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 STATE BY
THE INSPECTOR OF POLICE,
T10, THIRUMULLAIVOYAL POLICE STATION,
CHENNAI,

+2 CC to M/S. B.JANAKIRAM Advocate on payment of
necessary charges sr 5949

CRL OP.12408/2020

Date :17/08/2020

RD 18/08/2020

WEB COPY