

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12343 of 2020

Chinna Rakesh @ Rakesh

... Petitioner/4th Accused

Vs.

The State represented by,
The Sub-Inspector of Police,
S-14, Peerkankaranai Police Station,
Chengalpattu District.

Crime No. 732 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No. 732 of 2020 on the file of the respondent.

For Petitioner : Mr.R.Balakrishnan

For Respondent : Mr.K.Prabakar

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 alleged offences punishable under Sections 341, 294(b), 324, 506(ii) of IPC, in Crime No.732 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that the petitioner along with other accused killed a pig and cooked it in a graveyard. The owner of the pig enquired about it and he accused thought that the defacto complainant and his friends are the informers and hence, they have attacked the defacto complainant and his friend viz., Kishore with machete and stones and caused head injury to both the victims.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since, he happened to be the friend of the of the other accused. He would further submit that the arrested accused have been enlarged on bail and that both the victims have been discharged from the hospital. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with his other friends suspecting that the defacto complainant and his friend have informed about their killing a pig to the owner of the pig and hence, the petitioner along with his other friends have assaulted the defacto complainant and his friend. He would submit that the arrested accused have been enlarged on bail and both the victims have been discharged. He would further submit that there is no previous case pending against them. However, he oppose to grant anticipatory bail to the petitioner.

5 Taking into consideration the facts and submissions of the learned Counsel and the fact that the victims have 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 lock down or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Tambaram, 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., for a period of two weeks and thereafter 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7 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,
TAMBARAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE,
S-14, PEERKANKARANAI POLICE STATION,
CHENGALPATTU DISTRICT.

CC to M/S. R.BALAKRISHNAN Advocate on payment of necessary charges

CRL OP.12343/2020

Date :17/08/2020

MK:03/09/2020