

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.12950 of 2020

Nagarajan @ Manoj

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Poonamallee Police Station,
Chennai-600 056.
Crime No.681 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.681 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.M.Mohamed Riyaz,
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 Section 147, 148, 341, 294(b), 324 and 307 of IPC, in Crime No.681 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Philip Sudhakar is that due to business rivalry on 02.07.2020 the petitioner and along with the other accused persons way laid the defacto complainant's brother and abused him with filthy language and attacked them with iron rod on their head and body, resulting which the defacto complainant's brother and his friend sustaining head injuries and fracture on hands. 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 also submit that a false case has been foisted against the petitioner due to business rivalry. He would further submit that the co-accused have granted anticipatory bail in Crl.O.P.No.11206 of 2020 dated 31.07.2020 and other co-accused was enlarged on bail. The earlier petition filed by the petitioner in Crl.O.P.No.10882 of 2020 was dismissed by this Court dated 28.07.2020. More over, the compromise is also been effected by the petitioner and also he paid a sum of Rs.2,50,000/- to the injured persons for hospital expenses and the matter also compromise between

the parties by filing compromise petition. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner has four previous cases and other accused released on bail and some of the co-accused were granted anticipatory bail on 02.07.2020.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is 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 No.II, Poonamallee, 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. and 5.30 p.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 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/-

04/09/2020

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,
NO.II, POONAMALLEE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
POONAMALLEE POLICE STATION,
CHENNAI-56.

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

CRL OP.12950/2020

Date :04/09/2020

RVR 23/09/2020

सत्यमेव जयते

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