

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.12627 of 2020

Baskar @ Baskaran

... Petitioner

Vs.

The State rep by
The Inspector of Police,
E-2, Thirukalukundram Police Station,
Kanchipuram District.
(Crime No.556/2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of their arrest in Crime No.556 of 2019 pending on the file of the respondent police.

For petitioner : Mr. D.Gopi Krishnan

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

O R D E R

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 147, 148, 341, 294(b), 323, 324, 307 & 506(ii) IPC, in Crime No.556 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant is that due to property dispute, on 24.12.2019, the petitioner along with other accused abused the *de facto* complainant with filthy language and assaulted him using knife and wooden log.

3. Learned counsel for the petitioner would submit that the petitioner is an innocent person and false complaint has been given against him. He would further submit that there is a civil dispute pending against the petitioner in O.S. No.147 of 2020 before the Sub Court, Chengalpattu and in order to obtain positive orders in the suit, the *de facto* complainant has lodged false complaint as against the petitioner. He further submitted

that the case is of the year 2019 and other two accused involved in this case have been enlarged in bail.

4. Learned Additional Public Prosecutor would submit that the petitioner along with other accused had assaulted the *de facto* complainant with wooden log and knife and the injured has been discharged from the hospital and also submitted that the petitioner has got two previous cases. At this juncture, learned counsel for the petitioner would submit that the previous cases is of the year 2011 and 2012 and after the year 2012, the petitioner has no other case.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that other accused have been enlarged on bail and occurrences relates to the year 2019, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

[a] 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 District Munsif cum Judicial Magistrate, Thirukalukundram, Kanchipuram District, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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:

[b] 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.

[c] **the petitioner shall report before the respondent police everyday at 10.30 a.m. until further orders.**

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] 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/-
26/08/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUKALUKUNDRAM, KANCHIPURAM DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
E-2 THIRUKALUKUNDRAM POLICE STATION,
KANCHIPURAM DISTRICT.

CC to M/S. D.GOPIKRISHNAN Advocate on payment of necessary charges

CRL OP.12627/2020

Date :26/08/2020

MK:10/09/2020