

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.12695 of 2020

P.Periyasamy

... Petitioner

Vs.

State rep.by

.... Respondent

The Inspector of Police,
K-3, Aminjikarai Police Station,
Chennai.

(Crime No.185 of 2020)

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.185 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Manoj Kumar

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

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 353 and 506 (1) of IPC, in Crime No.185 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 24.03.2020, the defacto complainant travelled in the auto of A2. While giving change, there was a wordy quarrel between A2 and the defacto complainant, the petitioner and the A1 arrived at the place, attacked the defacto complainant, pushed him and thereby the defacto complainant sustained simple injury in face. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the defacto complainant abused the A2 in filthy languages and due to which, wordy quarrel happened between them, the petitioner and other accused arrived at the spot only to compromise them. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case and that he is no way connected in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there was a wordy quarrel between the defacto complainant and A2, the petitioner arrived at the spot to compromise them and thereafter, he had attacked the defacto complainant and pushed him and thereby, the defacto complainant sustained simple injury in face. He further submitted that there is no previous case pending as against him. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that there is no previous cases pending against the petitioner, 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 lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **V 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 surety, 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 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 V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-3 AMINJIKARAI POLICE STATION,
CHENNAI.

CC to M/S. C.SAMIVEL Advocate on payment of necessary charges

CRL OP.12695/2020

सत्यमेव जयते Date : 26/08/2020

TA-22/09/2020

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