



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.12681 of 2020

V.Santhosh Kumar @ Aamai Santhosh ... Petitioner/3rd Accused
Vs.

The State represented by,
The Inspector of Police,
F-5, Choolaimedu Police Station,
Chennai.

(Crime No.589 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 by the respondent police concerned in Crime No. 589 of 200, on the file of the Inspector of Police, F-5, Choolaimedu Police Station, Chennai.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.M.Mohamed Riyaz

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), 323, 324 & 506(ii) of IPC, in Crime No. 589 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that the petitioner along with the two other accused have demanded money from the defacto complainant for consuming liquor and the same was refused by the defacto complainant, the petitioner along with other accused have abused and assaulted him and thereby, he has sustained injuries. Hence, the complaint.



3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he would submit that the defacto complainant is a history sheeter in thousands lights area and he had assaulted the petitioner and has given a false complaint against the petitioner, as if the petitioners have assaulted him. He would further submit that the arrested accused have been enlarged on bail. 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 other accused have demanded the money from the defacto complainant and the same was refused by the defacto complainant, they have assaulted him. He would further submit that there is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner. He would further submit that as a revenge, the defacto complainant group assaulted the Al-Gokul Pondy Bazaar Police Station and that there is case in counter in Crime No. 621/2020.

5 Taking into consideration the facts and submissions made by the learned Counsel and the fact that the victim has been discharged from the hospital and also that there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners 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 from the date on which the order copy made ready, before the learned XVII Metropolitan Magistrate Court, Saidapet, on condition that the petitioner shall execute a separate 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., 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/-
27/08/2020

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 METROPOLITAN MAGISTRATE NO.XVII,
SAIDAPET.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
F-5 CHOOLAIMEDU POLICE STATION,
CHENNAI.

CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.12681/2020

Date :27/08/2020

MK:14/09/2020