

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.12769 of 2020

Murugan

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Arakkonam Taluk police station,
Ranipet District.
Crime No.449 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No.449 of 2020 on the file of the respondent police.

For Petitioner : Mr.C.Chokkalingam

For Respondent : Mr.M.Mohammed 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 punishable under Sections 294(b),
323, 324 and 506 (ii) IPC, in Crime No.449 of 2020, on the file of the
respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is
that there was a wordy quarrel between the defacto complainant's
grandmother and aunt and her daughter informed about the quarrel to A1
over phone. A1 and A2 arrived there and abused the defacto
complainant in filthy language. A3 instructed them to attack, due to
that A1 and A2 attacked Defacto complainant and his brother using
stick and hands. A4 attacked Defacto complainant's grandmother using
stick. Further they threatened them with dire consequences. Hence the
complaint.

3. The learned Counsel for the petitioner submitted that the
petitioner is innocent and he has been falsely implicated in this case
and prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to a wordy quarrel between the defacto complainant's grandmother and aunt, the accused attacked the victims and thereby one victim got cut injury at ear and the other two victims sustained simple injuries. He further submitted that the victims have been discharged from the hospital and there is no previous case pending against the petitioner. 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 case pending against the petitioner and that the victims have also 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 lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Arakkonam 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:

[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 daily 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 abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
24/08/2020

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,
ARAKKONAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ARAKKONAM TALUK POLICE STATION,
RANIPET DISTRICT.

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

CRL OP.12769/2020

Date :24/08/2020

cs 07/09/2020

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