

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.12794 of 2020

P.Nithish Kannan

... Petitioner

Vs.

The State Rep. by

The Inspector of Police,

S-14, Peerankaranai Police Station,

Chennai District.

(Crime No.1132 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail, in the event of his arrest in Crime No.1132 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Ravikumar

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 Man Missing @ 147, 148, 294(b), 324, 341 and 506(ii) of IPC in Crime No.1132 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that while the victim was riding a two wheeler around the accused area, the accused had questioned about his passing through their area in the late night hours due to which there was a quarrel between them and thereafter the petitioner assaulted the victim indiscriminately with wooden logs, stones and wooden reapers resulting him in sustaining injuries on his head. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that due to enmity a false case has been foisted against the petitioner and he is no way connected in this case. He would further submitted that the co-accused person was already granted anticipatory bail by this Court in Crl.O.P.No.12256 of 2020 on 14.08.2020. Hence, he prays for grant of anticipatory

bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that victim was riding a two wheeler around the petitioner area and the petitioner had questioned him about passing through late night hours in that area and thereafter the petitioner assaulted the victim indiscriminately with wooden logs, stones and wooden reapers due to which the defacto victim sustained injuries on his head and left leg. He further submitted that the injured has been discharged from the hospital and that he has no previous case 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 the injured has 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 (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, Tambaram, Chennai, 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 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 petitioners 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.

8.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,
NO.II, TAMBARAM, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
S-14, PEERKANKARANAI POLICE STATION ,
CHENNAI DISTRICT.

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

CRL OP.12794/2020

Date :24/08/2020

RD 08/09/2020

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