

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 13169 of 2020

1.R.Ranjith Kumar

2.R.Ajith Kumar

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Villivakkam Police Station,
Villivakkam, Chennai - 600 049.
(Crime No.873 of 2020)

... Respondent

Prayer: Criminal Original Petitions filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in connection with Cr. No.873 of 2020 on the file of the respondent Police.

For Petitioners : Mr. V.Veluchamy

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 506(ii) IPC in Cr. No.873 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de facto complainant namely Vijay, is that the petitioners and the de facto complainant are known persons from childhood, and they are also involved in political activity. Due to political dispute, there was a wordy quarrel between them, due to which the petitioners assaulted the de facto complainant with knife on his head and he sustained injury. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been foisted against them. Hence, he prays grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the petitioners assaulted the de facto complainant with knife on his head and due to which he underwent surgery and the injured got discharged from the hospital. He further submitted that there are three previous cases against the first petitioner herein out of which two

cases relates to offence under Section 307 IPC and the trial is pending and no previous cases for the second petitioner. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case and since there are three previous cases as against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this Criminal Original Petition is dismissed insofar as the first petitioner is concerned.

6. However, considering the fact that the injured has been discharged from the hospital and there are no previous cases as against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner subject to the following conditions.

[a] Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of lifting of lockdown or the commencement or Court's normal functioning whichever is earlier, before the learned XIII Metropolitan Magistrate, Egmore, Chennai, 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:

[b] the second 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 second petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

[e] the second 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 second petitioner/s in accordance with law as if the conditions have been imposed and the second petitioner/s 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

28/08/2020

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 XIII METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
VILLIVAKKAM POLICE STATION,
VILLIVAKKAM, CHENNAI- 600 049.

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

CRL OP.13169/2020

Date :28/08/2020

RVR 22/09/2020

सत्यमेव जयते

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