

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2020

CORAM :

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

Cr1.O.P.No.13248 of 2020

1.Michaelraj
2.Anthonyraj

... petitioners

Vs.

State Rep. by
The Inspector of Police
D-1, Triplicane Police Station
Chennai
(Crime No.705 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.705 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.P.Bharath
For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 294(b), 324, 307 & 506(ii) IPC., in Crime No.705 of 2020, seek anticipatory bail.

2.The case of the prosecution is that due to business rivalry in earth moving and its related work from Coovam river, the sub contractors of the petitioners' party have assaulted the defacto complainant with knife on the head, shoulder and face.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that even as per the complaint, there was a business rivalry between the petitioners' party and the defacto complainant party, thereby, a false complaint has been foisted against them. He would further submit that the injured has been discharged.

4.The learned Government Advocate (Crl. Side) would submit that due to business rivalry, the petitioners' party have assaulted the defacto complainant with knife, causing injuries on the head, shoulder and face of the defacto complainant. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioners.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their 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 Metropolitan Magistrate No.II, Egmore, Chennai, on condition that each of the petitioners 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 petitioners 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 petitioners shall report before the respondent Police every day at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
31/08/2020

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 II 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,
D-1, TRIPLICANE POLICE STATION,
CHENNAI.

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

CRL OP.13248/2020

Date :31/08/2020

TA-22/09/2020

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