

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 13456 of 2020

R.Vignesh Aged 22 years,
S/o.Ravikumar,
Residing at No.4/11A,
Kambar Street, Karambakkam,
Porur,
Chennai - 600116.

... Petitioners/4th Accused

Vs.

The State represented by,
The Inspector of Police,
R-9, Valasaravakkam Police,
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 in Crime No. 589 of 2020 on the file of the respondent police pending investigation.

For Petitioner : Mr.B.Mohanraj

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(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 294(b), 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 due to wordy quarrel, the petitioner along with other accused have assaulted the defacto complainant's son with wooden log and thereby, the defacto complainant's son has sustained injuries. Hence, the complainant.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that it is a case and case in counter and that on the complaint given by the petitioner side, a case in Crime No. 1365 of 2020 has been registered by the Madhuravoyal against the son of the defacto complainant. He would submit that the other accused have been arrested and 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 assaulted the son of the defacto complainant with wooden log. He would submit that the injured has been discharged from the hospital and that there are four previous cases pending against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5 At this juncture, the learned counsel appearing for the petitioner would submit that the four previous cases related to the year 2012 and 2014 and thereafter, the petitioner have no previous case in the recent past.

6 Taking into consideration the facts and submissions made by the learned counsel and considering the fact that other accused have been enlarged on bail, victim has been discharged from the hospital and that there is a case in counter, this court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7 Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Poonamallee, 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:

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

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

-sd/-

02/09/2020

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.I, POONAMALLEE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
R-9, VALASARAVAKKAM POLICE STATION,
CHENNAI.

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

WEB COPY

CRL OP.13456/2020

Date :02/09/2020

RD 15/09/2020