

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.13490 of 2020

1.Sheik Mohideen (Male 23 years),

S/o.K.Basha,

Residing at No. 86A, Ismail Ground,

Triplicane, Chennai - 600 005.

2.Keerthan (Male 23 years),

S/o.Ragu,

Residing at No.21, Mayandi Colony,

Lloyds Road,

Chennai - 600 005.

... Petitioners/Accused Nos. 1 & 3

Vs.

The Inspector of Police,

E-2, Royapettah Police Station,

Royapettah,

Chennai - 14.

(Crime No. 1530 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.1530 of 2020, pending on the file of the respondent police.

For Petitioners : Mr.S.Madhusudanan

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 alleged offences punishable under Sections 341, 294(b), 324 & 506(ii) of IPC in Crime No. 1530 of 2020, on the file of the respondent police, seek anticipatory bail.

The case of the prosecution is that due to the wordy

quarrel, the petitioners have attacked the defacto complainant with knife and thereby, the he has sustained injuries. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and that a false case has been foisted against them. He would further submit that the second accused has been arrested and he has been enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the injured has been discharged from the hospital. He further submitted that as far as the first petitioner is concerned there is one previous cases pending against him and as far as the second petitioner is concerned there is no previous case pending against him. However, he opposed for grant of anticipatory bail to the petitioners.

5 Taking into consideration the facts and submissions made by the learned counsel and the fact that the victim has been discharged from the hospital, 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 days from the date on which the order copy made ready, before the learned XVIII Metropolitan Magistrate Court at Saidapet, Chennai, on condition that each 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

7 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 METROPOLITAN MAGISTRATE,
COURT, NO.XVIII, SAIDAPET, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
E-2, ROYAPETTAH POLICE STATION,
ROYAPETTAH, CHENNAI-14.

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

सत्यमेव जयते

CRL OP.13490/2020

Date :02/09/2020

RD 14/09/2020

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