

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.13671 of 2020

Balu @ Mari

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Kayar Police Station,
Kancheepuram District.

Cr.No.389 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.389 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.G. Magesh Kumar

For Respondent : Mr. M. Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This 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), 323, 324, 354 and 506(ii) of IPC in Crime No.389 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to a wordy quarrel between the petitioner and the defacto complainant, the petitioner abused and attacked the defacto complainant with wooden log and also threatened him with dire consequences and thereby the defacto complainant sustained injuries in his head. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that there is a case in counter in Cr.No.390 of 2020 and that a false case has been foisted against them. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case and that they are no way connected in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there was a wordy quarrel between them due to which the petitioner abused and attacked the defacto complainant with wooden log and criminally intimidated him with dire consequences and thereby the defacto complainant caused simple injury in his head and the injured has been discharged from the hospital. He further submitted that there is no previous case pending as against the petitioner. 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 there is a case in counter and 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 ordered to be released on bail in the event of 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-I, Chengalpattu, 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/-
04/09/2020

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,
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
KAYAR POLICE STATION,
KANCHEEPURAM DISTRICT.

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

CRL OP.13671/2020

Date :04/09/2020

MK:17/09/2020