

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13616 of 2020

SP. Kumar

.. Petitioner

Vs.

The State Rep. by
The Inspector of Police
R-5, Virugambakkam Police Station
Virugambakkam
Chennai.

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.787 of 2018 pending on the file of respondent.

For Petitioner : Mr.A.Manojkumar

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 324 and 506(i) of IPC, in Crime No.787 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel, the petitioner attacked the de facto complainant with bottle on his head and thereby caused injuries to him.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor submitted the victim has already been discharged from the hospital. He would further submit that there were two previous cases pending against the petitioner and he was acquitted in both the cases.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) 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 after lifting of lockdown of the commencement of the Court's normal functioning whichever is earlier, before the **learned XXIII Metropolitan Magistrate, Saidapet, Chennai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 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 petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

[e] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
03/09/2020

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 XXIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
R-5, VIRUGAMBAKKAM POLICE STATION,
VIRUGAMBAKKAM, CHENNAI.

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

CRL OP.13616/2020

Date :03/09/2020

MK:16/09/2020

सत्यमेव जयते

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