

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13999 of 2020

Sundhar @ Ajay

.. Petitioner

Vs.

The State rep. By
The Inspector of Police
D.1, Triplicane Police Station,
Chennai.
Crime No.705 of 2020

... 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 pending investigation in Crime No.705 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Bharath

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 offences punishable under Sections **147, 148, 294(b), 341, 324, 307 and 506(ii) of IPC, in Crime No.705 of 2020** on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Edwin Devadoss is that both the petitioner's side and the defacto complainant's side are sub contractors under the main contractor of the State Government in Cooum River Eco-Restoration Project for desilted and widened the water of Cooum river at Chennai. They are running a business of earth moving and its related work and the above said work was shared to the petitioner's side and the defacto complainant's side in the place near Napier Bridge, Cooum River, Chennai. While so, on 27.07.2020, there was a quarrel between both the parties in respect of engaging lorries for loading and unloading during which, one Ananthan/A1 along with the petitioner and others attacked the defacto complainant with iron rod on his head and caused injuries and also threatened the

defacto complainant and others with dire consequences.Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. In fact the defacto complainant is the real aggressor who had engaged rowdy elements and demanded the petitioner to handover the lorries for loading and unloading and during the scuffle, the defacto complainant got cut injury on his head and that the petitioner is no way connected with the alleged offence. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the injured has been discharged from the hospital and there is no previous case against the petitioner.However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and the fact that the victim has been discharged from the hospital and there is no previous case against the petitioner, 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 his 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 Metropolitan Magistrate No.II, Egmore, 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.

[f] 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]**.

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

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

-sd/-
09/09/2020

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
NO.II, 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.13999/2020

Date :09/09/2020

GKS:18/09/2020