

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13951 of 2020

Thangavel

... Petitioners

/versus/

State represented by ... Respondent
The Inspector of Police,
VI-Villivakkam Police Station,
Villivakkam, Chennai-600049
(Crime No.895 of 2020)

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of his arrest in Crime No.895 of 2020 on the file of Respondent Police.

For Petitioner : Ms.M.F.Shabana

For Respondent : Mr.M.Mohamed Riyaz
Addl 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 341, 294(b), 323 & 307 of IPC in Crime No.895 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that on 25.08.2020 at about 12.15 pm, the petitioner along with other accused and one Shivaji who ranked as A1 in the said crime number came in a bike and attacked him due to previous enmity, due to which he sustained injuries.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated and arrayed as A3 in this case, since he happened to be a friend of the other accused. The learned counsel would further submit that the other accused A1, A2 & A4 have been arrested and enlarged on bail by the Sessions Court.

4. The learned Additional Public Prosecutor would submit that the petitioner came along with the other accused in a bike and assaulted the victim with knife due to previous enmity. He would further submitted that only at the instigation of the petitioner, the other accused attacked. The petitioner has previous cases.

5. At this juncture, the learned counsel for the petitioner submitted that the lower Court has granted bail to the co-accused in CrI.M.P.No.8529 of 2020 dated 07.09.2020 and some of the cases against the petitioner are under the City Police Act and others are old cases.

6. Taking into consideration the facts and circumstances of the case and also the submission made by both the counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days a before the learned XIII Metropolitan Magistrate Egmore, Chennai, on condition that the petitioners 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., and 05.30 p.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.

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

-sd/-
24/09/2020

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 XIII METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
V-1, VILLIVAKKAM POLICE STATION,
VILLIVAKKAM, CHENNAI - 600 049.

+3 CC to M/S. M.F.SHABANA AND P.SATHYNA Advocate on payment
of necessary charges SR.NO.6704

CRL OP.13951/2020

Date :24/09/2020

TA-08/10/2020

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