

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.14278 of 2020

R.Ponraj

...Petitioner/A2

-Vs-

State Represented by
The Inspector of Police,
B-3, Kadambathur Police Station,
Thiruvallur District.
(Cr.No.648 of 2020)

... Respondent/complainant

Prayer:

Criminal Original petition filed under Section 438 of Code of Criminal Procedure to grant anticipatory bail to petitioner in the event of his arrest or on his appearance before any court in connection with the case in Cr.No.648 of 2020 pending investigation on the file of the respondent police herein.

For Petitioner : Mr.Balaji Thiyagarajan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.648 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with two other accused persons attacked the defacto complainant with wooden log and iron rod. Therefore, the defacto complainant sustained grievous injuries on his head and admitted in the hospital.

3. The learned counsel for the petitioner would submit that there are totally three accused, in which, the petitioner is arrayed as A2. A1 and A3 were already released on anticipatory bail by the court below. This court has already dismissed the anticipatory bail petition filed by the petitioner in Crl.OP.No.9203 of 2020 on 23.06.2020 for the reason that the victim was admitted in the hospital and taking treatment as in-patient. Now, he was discharged from the hospital. He further submitted that the

defacto complainant is working as a driver to a local councilor.

Therefore, the petitioner has been falsely implicated in this case as A2.

4. The learned Additional Public Prosecutor for the respondent has submitted that there are totally three accused, in which, the petitioner is arrayed as A2. According to the prosecution, this victim / defacto complainant sustained grievous injuries on his head and underwent surgery. Though he was discharged from the hospital, he sustained grievous injury on his head and as such, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. On perusal of the affidavit and considering the above submissions made on either side, it is seen that there are totally three accused persons and the petitioner is arrayed as A2 and the injured was discharged from the hospital. A1 and A3 have been already granted anticipatory bail. This court has already dismissed the petitioner's anticipatory bail petition for the reason that the injured not discharged from the hospital .

6. Considering the above submission made by the learned counsel for the petitioner and also considering the change of circumstance of COVID-19 Pandemic, this court is inclined to grant anticipatory bail to the petitioner on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood 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 conditions 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 twice a day i.e., at 10.30 a.m., and 05.30 p.m., until further orders for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. In the result, this Criminal Original Petition is allowed.

14.09.2020

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J.

gv

To

1. The Inspector of Police,
B-3, Kadambathur Police Station,
Thiruvallur District.
(Cr.No.648 of 2020)
2. The Public Prosecutor,
High Court, Madras.



Crl.O.P.No.14278 of 2020

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