

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14152 of 2020

M.Madhan @ Gokul

... Petitioner

Vs.

State Represented by,

The Inspector of Police,

S-8, Adambakkam Police Station,

Adambakkam, Chennai-600 088.

Crime No.757 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.757 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.V.Babu

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 147, 148, 294(b), 341, 323, 364, 307 of IPC, in Crime No.872 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Surya is that due to previous enmity, the petitioner along with other accused persons assaulted the defacto complainant with wooden logs in an indiscriminate manner all over the body and caused grievous injuries.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any

offence as alleged by the prosecution. He would further submit that co-accused has been enlarged on bail in CrI.O.P.No.2188 of 2020. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally 11 accused persons, in which, the petitioner is arrayed as A10. He would also submit that the petitioner along with other accused persons kidnapped the defacto complainant and robbed Rs.1000/- and assaulted him with knife on his head and thereby, the defacto complainant sustained grievous injuries. He would further submit that the victim has been discharged from the hospital and one previous case pending against the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsels and also the fact that the injured has been discharged, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before **the Judicial Magistrate Court, Alandur, Chennai** on condition that the petitioner shall execute a 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 daily at 10.30 a.m., and 5.30 p.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 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/-
16/09/2020

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 COURT,
ALANDUR, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
S-8 ADAMBAKKAM POICE STATION,
ADAMBAKKAM, CHENNAI -88

+1 CC to M/S. V.BABU Advocate on payment of necessary charges
SR.NO.6330

CRL OP.14152/2020

GKS:23/09/2020

Date :16/09/2020

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