

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15627 of 2020

S.Suresh

... Petitioner

Vs.

The State repd. by  
The Inspector of Police  
E-3, Teynampet Police Station  
Chennai  
(Crime No.815 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 in Crime No.815 of 2020 on the file of the respondent police.

For Petitioner : Ms.E.Malarkodi

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, 341, 294(b), 323, 326 & 506(ii) IPC in Crime No.815 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant one Kamala is that on 29.08.2020, the brother of the defacto complainant namely Srinivasan had knocked the house of one Subramani in an inebriated condition at about 11 p.m. following which, on 30.08.2020 at about 1.30 a.m., the said Subramani and his relatives had gone to the house of the defacto complainant and pulled down the said Srinivasan and assaulted him indiscriminately with iron rods due to which he sustained injuries. Hence, the present case was registered in Crime No.815 of 2020. Thereafter, the said Srinivasan, the brother of the defacto complainant, committed suicide and thereby, another case has been registered in Crime No.816 of 2020 for offence under Section 174 Cr.P.C.

3. The learned counsel for the petitioner would submit that this is second application for anticipatory bail and the earlier petition was dismissed by his Court on 10.09.2020. He would submit that the petitioner has been falsely implicated in this case since he happens to be the relative of one Subramani. Even as per the allegations in the FIR, the defacto complainant's brother had gone to the house of the said Subramani at wee hours in an inebriated condition and there was a quarrel between the parties and that the victim who felt ashamed for having committed such an act, committed suicide and that the petitioner is no way connected with the alleged offence. He would further submit that some of the arrested accused have been granted bail and the petitioner has been studying 2<sup>nd</sup> year BBA in VELS University. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor would vehemently oppose stating that on earlier occasion, the victim in an inebriated condition knocked the house of one Subramani in the night hours following which, the accused have assaulted the brother of the defacto complainant. Hence, the present case in Crime No. 815 of 2020 was registered against the accused persons. Thereafter, unable to bear the humiliation committed by the accused persons, the victim committed suicide. Hence, yet another case has been registered in Crime No. 816 of 2020 for offence under Section 174 Cr.P.C. and that the investigation is pending. Hence, he vehemently opposed for grant of anticipatory bail.

5. Considering the facts of this case and the submissions made by the counsels and taking into consideration that the petitioner is a 2<sup>nd</sup> year student, this Court is inclined to grant anticipatory bail to the petitioner.

[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 from the date on which the order copy is made ready, before the learned Metropolitan Magistrate-XVIII, Saidapet, 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:

[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 every day 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/-  
14/10/2020

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.XVIII, SAIDAPET.

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

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
E-3, TEYNAMPET POLICE STATION,  
CHENNAI.

+1 CC to M/S.E.MALARKODI Advocate on payment of necessary charges  
SR.No.7021

CRL OP.15627/2020

Date :14/10/2020