

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14620 of 2020

1.Harikrishnan @ Hariharan

2.Balaji

... Petitioners

Vs.

State rep.by

The Inspector of Police,
Pallikarani Police Station,
Chennai District.

Crime No.1085 of 2020

.... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of their arrest concerned in Crime No.1085 of 2020 on the file of the respondent pending investigation.

For Petitioners : Mr.J.Joseph Christopher

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 336 and 506(ii) of IPC r/w. Section 41 of Tamil Nadu City Police Act, 1888, in Crime No.1085 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the other accused have celebrated the birthday of A1 by cutting a cake using a patta knife and when the same was questioned by the de-facto complainant, the accused attempted to stab the de-facto complainant in his neck, but he managed to escape. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the first petitioner has already been granted anticipatory bail in Crl.O.P.No.14536 of 2020 dated 16.09.2020 and hence, he has not pressed the application in respect of the first petitioner.

4. The learned Counsel for the petitioners would further submit that the second petitioner is innocent and he was called to attend the birthday function of his Advocate and he has nothing to do with the alleged offences. She would further submit that the co-accused was granted Anticipatory Bail by this Court in Crl.O.P.No.10679 of 2020 dated 17.07.2020. Hence, she prays for grant of anticipatory bail to the second petitioner.

5. The learned Additional Public Prosecutor would submit that the petitioners and the other accused celebrated the birthday of A1 in a public road by cutting cake with patta knife along with the other accused. When the same was questioned by the de-facto complainant, they abused and assaulted the de-facto complainant and threatened with dire consequences. Hence, he vehemently opposed for grant of anticipatory bail to the second petitioner.

6. As the first petitioner has already been granted anticipatory bail in Crl.O.P.No.14536 of 2020 dated 16.09.2020, this petition is closed in respect of the first petitioner.

7. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the second petitioner subject to the following conditions;

8. Accordingly, the second petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Alandur, Chennai, on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, out of which, one shall be either the father or mother 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 second 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 second petitioner shall report before the respondent daily at 10.30 a.m. and 5.30 p.m. for a period of two weeks and

thereafter every Monday at 10.30 a.m. until further orders.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the second 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 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.

9. With the above directions, this Criminal Original Petition is ordered in respect of the second petitioner.

-sd/-

18/09/2020

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, ALANDUR, CHENNAI

2 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PALLIKARANAI POLICE STATION,
CHENNAI DISTRICT

+1 CC to M/S J.JOSEPH CHRISTOPHER Advocate on payment of
necessary charges SR.NO.6359

CRL OP.14620/2020

Date :18/09/2020

GKS:25/09/2020