

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 15338 of 2020

Mani @ Manikandan

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Sathangadu Police Station,
Manali High Road,
Chennai 600068,
(Crime No.2287 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
by the respondent police in Crime. No.2287 of 2020 on the file of the
respondent police.

For Petitioner : Mr.M.Sathish kumar

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

(This Case has been heard through Video Conferencing)

The petitioner, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 147, 148,
294(b), 323, 342, 307 of IPC in Crime No.2287 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 16.08.2020 at 9.30 p.m his cousin had lost her cell phone
near ITC company ground. The defacto complainant had gone to search
the cell phone. At that time, seven persons have enquired the defacto
complainant. The accused got enraged and they caught hold of the
defacto complainant and one bala assaulted with knife on his left
side of the neck, due to which, he sustained injuries and since the
accused had seen some other persons coming inside the ground they
ran away from the scene of occurrence.

3. The learned counsel for the petitioner would submit that the
petitioner is an innocent person and he has been falsely implicated in
this case. He further submitted that a very reading of the FIR itself
shows that it is a fabricated case. He would submit that the defacto
complainant who is stranger to the place had specifically stated about

the name of the person involved. Further he would submit that even as per the allegations in the FIR, one Bala who is the person involved in the offence is stated to have inflicted injury with the knife; as far as the petitioner is concerned, he is stated to be one among the person who is alleged to have caught hold of the defacto complainant. He would submit that the defacto complainant has been discharged from the hospital and that the petitioner has no previous case against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that petitioner along with other accused had abused the defacto complainant when he had come there on the ground to search the cell phone. The petitioner/accused along with other accused caught hold of the defacto complainant and A1 in this case one Bala inflicted injury with a knife near the neck of the defacto complainant. He would further submit that injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner would submit that A3 one Mahesh and A2 one Selvakumar have been arrested and they have been enlarged on bail by this Court in Crl.O.P.No.14530 of 2020 dated 18.09.2020 and Crl.O.P.No.15070 of 2020 dated 25.09.2020. He would further submit that the petitioner has no previous case against him.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, the petitioner has no previous case against him and that injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready before the learned Judicial Magistrate, Thiruvottiur, 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 daily at 10.30 a.m. and 5.30 p.m., until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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/-

13/10/2020

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 JUDICIAL MAGISTRATE,
NO.I, THIRUVOTTIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
SATHANGADU POLICE STATION,
MANALI HIGH ROAD, CHENNAI-68

+2 CC to M/S. M.SATHISH KUMAR Advocate on payment of necessary charges Sr.6884

CRL OP.15338/2020

Date :13/10/2020

RVR 21/10/2020