

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.14900 of 2020

Santhosh @ Santhoshkumar

... Petitioner

Vs.

State Rep. by
Sub Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai.
(Crime No.1536 of 2018).

.... 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.1536 of 2018 pending on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

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), 324 and 307 of IPC, in Crime No.1536 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Rooban Kumar is that due to enmity, the petitioner along with other accused had on 06.11.2018 assaulted him with machete and also with knife due to which he and his friends sustained injuries.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he would further submit that the alleged occurrence is stated to have been taken place during the year 2018 and his name has been falsely implicated in this case. He would further submit that though the petitioner is the native of Tiruvannamalai, he resides in Chennai. He would further submit that the incident took place during the year 2018 and the injured have been discharged from the hospital and major part of the investigation is

4. The learned Additional Public Prosecutor would vehemently oppose stating that the petitioner along with other accused due to previous enmity attacked the defacto complainant and his friends with machete and knife and also caused injury. He would further submit that the injured have been discharged and the case pertains to the year 2018.

5. Taking into consideration the facts and submissions of the learned Counsel and also the fact that the injured has been discharged from the hospital, 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 learned Judicial Magistrate No.1, Tiruvannamalai, 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., 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
23/09/2020

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,
NO.I, TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI.

CC to M/S B.JAWAHAR Advocate on payment of necessary charges

CRL OP.14900/2020

Date : 23/09/2020

cs 25/09/2020

WEB COPY