

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.15270 of 2020

Kutty @ Sandilyan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
P1-Pulianthope Police Station,
Chennai District.
(Crime No. 906 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. 906 of 2020 pending on the file of the respondent police.

For Petitioner : Mr. M.Simon

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 341, 294(b), 323, 324, 506(ii) IPC in Crime No. 906 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that while the defacto complainant standing in front of the house, the petitioner due to previous enmity came along with three accused inflicted cut injuries on the defacto complainant. Hence, the complaint.

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 a false case has been foisted against him.

4. The learned counsel would further submit that the petitioner's earlier petition for anticipatory bail in Crl.OP.No. 12770 of 2020 came to be dismissed on the mis-consumption that the victim was not discharged from the hospital and there are two previous cases are pending against the petitioner, out of which one is under Section 302 of IPC. He would further submit that a mere reading of FIR would clearly show that there was a civil dispute between the petitioner and the defacto complainant who are relatives.

He would further submit that the alleged injured has also been discharged from the hospital and the murder case was registered as against the 2nd accused only namely Maran, he was arrested and later enlarged on bail by the lower Court. He would further submit that the petitioner will abide by the any stringent conditions imposed by this Court.

5. The learned Additional Public Prosecutor would submit that due to previous enmity the petitioner along with other accused assaulted the defacto complainant, thereby the defacto complainant sustained grievous injuries. He would further submit that the victim has been discharged from the hospital and there is one previous case pending against the petitioner. Hence vehemently opposed for grant of anticipatory bail to the petitioner.

6. 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;

7. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which a copy of this order is made ready, before the learned Judicial Magistrate No.10, 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 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/-

29/09/2020

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.10, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
P-1, PULIANTHOPE POLICE STATION,
CHENNAI DISTRICT.

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

CRL OP.15270/2020

Date :29/09/2020

RVR 09/10/2020

सत्यमेव जयते

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