

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.15019 of 2020

Ravi @ Ravichandiran

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Sipcot Police Station,
Krishnagiri District.
(Cr.No.513 of 2019)

....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.513 of 2019 pending on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

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 offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC in Crime No.513 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant refused to buy alcohol for the petitioner. Therefore, the petitioner and others waylaid the defacto complainant and abused him in filthy language and assaulted with wooden log and bottles, as a result of which, he sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has nothing to do with the alleged offences. He would further submit that the petitioner was granted Anticipatory Bail in Crl.M.P.No.448 of 2020 dated 09.03.2020 by the learned Principal Sessions Judge, Krishnagiri and before he could execute the sureties, the Courts were closed on account of Covid 19. Therefore, he could not execute the sureties. Hence the earlier order had lapsed. Therefore, he filed a petition for extension of time before the learned Principal Sessions Judge, Krishnagiri, it was returned. Hence, he approached this Court for grant of anticipatory bail to the petitioner.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to this 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 days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate -II, Hosur, on condition that the 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 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 daily at 10.30 a.m. for a period of two weeks and thereafter every Monday 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
24/09/2020

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.II, HOSUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
KRISHNAGIRI DIST.

4 THE PRINCIPAL SESSIONS JUDGE,
KRISHNAGIRI

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

CRL OP.15019/2020

Date :24/09/2020

RVR 01/10/2020

WEB COPY