

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.09.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15253 of 2020

Dinesh @ Pambu Dinesh

.. Petitioner

/versus/

State represented by
The Inspector of Police,
N2 Kasimedu Police Station,
Chennai -600013.
(Crime No.2197 of 2020)

.. Respondent

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of his arrest in Crime No.2197 of 2020 on the file of Respondent Police.

For Petitioner : M/s M.Nithyavel

For Respondent : Mr.M.Mohamed Riyaz
Addl Public Prosecutor

O R D E R

(The 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 & 307 of IPC in Crime No.2197 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 due to previous enmity, the petitioner assaulted the defacto complainant and his family members on 02.08.2020. The petitioner along with other accused had quarreled with the defacto complainant and inflicted cut injuries to the defacto complainant and his friends.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the injured were discharged from the hospital and the co-accused who were arrested on 03.08.2020, were released on bail by the learned Principal Sessions Judge by order dated 23.08.2020 in Crl.MP.Nos. 8466/2020, 8510/2020 & 8606/2020.

4. The learned Additional Public Prosecutor would submit that due to family dispute, the petitioner along with other accused inflicted cut injuries on the defacto complainant and his family members, hence vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that co-accused were granted bail by the learned Principal Sessions Judge, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days before the learned XV Metropolitan Magistrate Geroage Town, Chennai, on condition that the petitioner shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police every day at 10.30 a.m., until further orders.

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

[d] the petitioners 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.

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

-sd/-
28/09/2020

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 METROPOLITAN MAGISTRATE
NO.XV, GEORGE TOWN, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
N-2 KASIMEDU POLICE STATION,
CHENNAI-600 013.

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

CRL OP.15253/2020

Date :28/09/2020

cs 07/10/2020

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