

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.15303 of 2020

Soundar Rajan

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Pallikaranai Police Station,
Chennai.

(Cr.No.1085 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.1085 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.T.Arul

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 147, 148, 294(b), 336 and 506(ii) of IPC r/w. Section 41(vi) of Tamil Nadu City Police Act, in Crime No.1085 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the other accused have celebrated his birthday by cutting a cake using a patta knife and when the same was questioned by the de-facto complainant, the accused attempted to stab the de-facto complainant in his neck, but he managed to escape. 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 co-accused were granted Anticipatory Bail by this Court in CrI.O.P.Nos. 15002 of 2020, 14620 of 2020 and 14356 of 2020. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and other accused celebrated his birthday in a public road by cutting cake with patta knife and when the same was questioned by the de-facto complainant, they abused and assaulted the de-facto complainant and threatened with dire consequences. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

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 from the date of receipt of the copy of the order before the learned Judicial Magistrate No.II, Alandur, 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. and 5.30 p.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/-

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.II, ALANDUR, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
PALLIKARANAI POLICE STATION,
CHENNAI.

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

CRL OP.15303/2020

Date :29/09/2020

RVR 09/10/2020



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