

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No. 15832 of 2020

Naresh,

S/o.Arul

... Petitioner/ Accused(A4)

Vs.

The State represented by,

The Inspector of Police,

T-16, Nasaratpet Police Station,

Ambattur District.

[Crime No. 708 of 2020]

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No. 708 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Nareshkumar

For Respondent : Mr.M.Mohamed Riyaz

सत्यमेव जयते Additional Public Prosecutor

ORDER

(The 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 452, 294(b), 323, 324 and 506(ii) of IPC, in Crime No. 708 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Muthukrishnan is that on 19.09.2020, two unknown persons have come to his Tea Stall in bike and asked him to give cigarette and the defacto complainant had replied that he does not have cigarette and hence, they got angry and abused the defacto complainant in filthy language and the public nearby had gathered there and thereby, they went from that place. After some time, the petitioner along with other accused persons have come there and had assaulted the defacto complainant with knife. Thereby, he has sustained injuries. Hence, the complaint.

3 The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital. He further submitted that there are two previous cases pending against the petitioner, in which, one case was registered in Crime No.109 of 2019, for the provisions under Criminal Law

Amendment Act and another case was registered in Crime No.1194 of 2017, for the offence under Section 506(i) of IPC. Hence, he opposed for grant of anticipatory bail to the petitioner.

5 At this juncture, the learned counsel appearing for the petitioner would submit that the case relates to Criminal Law Amendment Act was registered during the year 2019 and the another case for offence under Section 506(i) of IPC was registered long back during the year 2017. Hence, he prays to grant anticipatory bail to the petitioner.

6 Taking into consideration of the facts and submissions of the learned counsels and the fact that the victim 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 his arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.I, Poonamallee, 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 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 every day 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.

07.10.2020

Internet : Yes/No

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To

1.The Judicial Magistrate No.I, Poonamallee.

2.The Inspector of Police,
T-16, Nasaratpet Police Station,
Ambattur District.

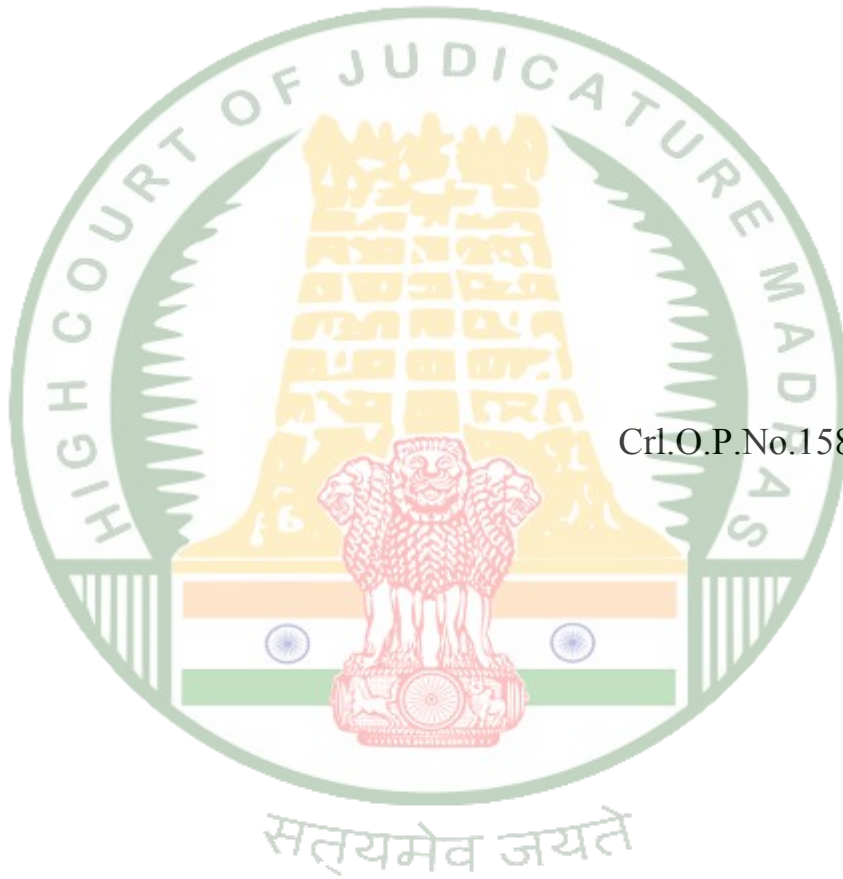
3.The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

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