

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.16026 of 2020

A.Mohamed Sharif

... Petitioner

Vs.

State By: The Inspector of Police, ... Respondent  
C-3 Seven Wells Police Station,  
Chennai-1  
(Crime No.291 of 2019)

**Prayer:** Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in crime No.291/2019 on the file of the respondent police station.

For Petitioner : Mr.P.Pugalenthir

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, 506(ii) of IPC**, in Crime No.291 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that he is the landlord and the petitioner is the tenant under the defacto complainant and that there was a dispute between them with regard to payment of rent. While so, on the date of occurrence, there was a quarrel during which, the petitioner assaulted the defacto complainant with knife in his stomach and hands due to which, he sustained injuries.

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 due to previous enmity. He would further submit that this is a bona fide application for anticipatory bail and the earlier

application was dismissed as withdrawn since, it was informed by the prosecution that the victim was still in hospital. He would further submit that this is the case of the year 2019 and the victim has been discharged from the hospital and that there is no previous case against the petitioner. Hence, he prays for grant of anticipatory bail.

5. The learned Additional Public Prosecutor would submit that the petitioner is the tenant under the defacto complainant. Due to tenancy dispute, the petitioner stabbed the defacto complainant with knife in his stomach and also inflicted injuries on his hands. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioner. However, he vehemently opposed for grant of anticipatory bail.

6. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and the fact that there is no previous case against the petitioner and 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 ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned VIII Metropolitan Magistrate Court, George Town, Chennai,** 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 10.30 a.m. for a period of four 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/-  
09/11/2020

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 VIII METROPOLITAN MAGISTRATE COURT,  
GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
C-3 SEVEN WELLS POLICE STATION,  
CHENNAI-01.

+1 CC to M/S.P.PUGALENTHI Advocate on payment of necessary charges SR.NO.7430

CRL OP.16026/2020

Date :09/11/2020

TA-23/11/2020

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