

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 15965 of 2020

Ajithkumar

... Petitioner/Accused
(Ranking Not known)

Vs.

The State represented by,
The Inspector of Police,
Thiruttani Police Station,
Thiruvallur District.
[Crime No. 2261 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. 2261 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.M.Mohamed Riyaz
Additional 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 offences punishable under Sections 109, 294(b), 323, 324, 341, 307 and 506(ii) of IPC, in Crime No. 2261 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Rahmath Basha, is that on 26.08.2020, while he was going near the Aavin Parlour along with this brother, the accused had come along with one Sathish by holding Machete and had attempted to cut the defacto complainant's brother and when it was prevented by the defacto complainant's brother, he had sustained injuries in his hand and thereafter, the accused had created ruckus in the area and also threatened the defacto complainant and ran away from the scene of occurrence. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case since he happens to be the friend of the first accused viz., Sathyaraj. He would submit that the name of the petitioner does not find place in FIR and that the earlier application for anticipatory bail was withdrawn on 18.09.2020 since the other accused were absconding. He would submit that A1 has been arrested and detained under Act 14, 1982 and that as far as this petitioner is concerned there is no previous case pending against him and that the injured has also been discharged from the hospital. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with first accused had waylaid the defacto complainant and his brother and had assaulted them with Machete, due to which, the brother of the defacto complainant has sustained injuries. He would submit that the injured has been discharged from the hospital and that there is no previous case pending against the petitioner. He would further submit that A1 has been arrested and detained under Act 14. However, he opposed to grant anticipatory bail to the petitioner.

5 Taking into consideration the facts and submissions of the learned Counsel 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;

6 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 made ready, before the learned Judicial Magistrate, Thiruttani, 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., and 05.30 p.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.

-sd/-
09/10/2020

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,
THIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTANI POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
SR.No.6756

CRL OP.15965/2020

Date :09/10/2020

cs 19/10/2020