

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.16227 of 2020

Suresh

.. Petitioner

Vs.

State rep by its
Inspector of Police,
S-8 Adambakkam Police Station,
Chennai-88.
Crime No.1026/2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.1026 of 2020 on the file of the respondent police.

For Petitioners : Mr.T.Thirumoorthy

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 alleged offences under Sections 341, 294(b), 323, 307 and 506(2) of IPC, in Crime No.1026 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to previous motive, the petitioner along with other accused waylaid the defacto complainant and attacked him with knife and thereby the defacto complainant sustained injury on his head and also abused him in filthy language.

3.The learned counsel for the petitioners would submit that the petitioner is innocent and he has been falsely implicated in this case due to previous enmity. Therefore, he prays for the grant of anticipatory bail.

4. The learned Additional Public Prosecutor would submit that due to previous motive, the petitioner along with other accused waylaid the defacto complainant and attacked him with knife, due to which he sustained injury on his head. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the submissions made by the learned counsels and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy was made ready, before the learned Judicial Magistrate, Alandur, Chennai-16. on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
13/10/2020

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,
ALANDUR, CHENNAI-16.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
S-8, ADAMBAKKAM POLICE STATION,
CHENNAI-88

+1CC to M/S.T.THIRUMOORTHY Advocate on payment of necessary charges SR NO.7037

CRL OP.16227/2020

Date :13/10/2020

MK:23/10/2020

सत्यमेव जयते
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