

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.17644 of 2020

Praveen

... Petitioner

Vs.

State represented by
The Inspector of Police,
R-4, Soundara Pandian Police Station,
Chennai-17
(Crime No.119 of 2018)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code to enlarge the petitioner/Accused Person on bail in the event of his arrest by the respondent police pending investigation in Crime No.119 of 2018 on the file of the R-4, Soundara Pandian Police Station.

For Petitioner : Mr.S.Palani

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The cases have been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 324, 506(2) of IPC in Crime No. 119 of 2018, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., Keerthivasan is that due to previous enmity, on 03.06.2018, the petitioner along with other accused, had assaulted the defacto complainant and his friend and thereby, they have sustained injuries. 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. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor, appearing for the respondent would submit that this court had already granted

anticipatory bail to the petitioner in Crl.O.P.No.21863 of 2018, dated 18.09.2018, however, the petitioner has not surrendered before the Court and had not furnished the sureties. He would further submit that the investigation has been completed. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case, submissions made by the learned counsels and considering the fact that the petitioner has already been granted bail in Crl.O.P.No.21863 of 2018, dated 18.09.2018, 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 is made ready, before the learned XVII Judicial Magistrate, Saidapet, 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 deposit an amount of Rs.3,000/- (Rupees Three Thousand only) to the credit of Legal Services Authority attached to the concerned Court.

[c] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter every Monday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
18/11/2020

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 JUDICIAL MAGISTRATE
NO-XVII, SAIDAPET

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-4 SOUNDARA PANDIAN POLICE STATION, CHENNAI-17

5 THE OFFICER INCHARGE
LEGAL SERVICES AUTHORITY, SAIDAPET, CHENNAI

6 THE SECRETARY,
TAMIL NADU LEGAL SERVICES AUTHORITY,
HIGH COURT, MADRAS.

+1 CC to M/S S.PALANI Advocate on payment of necessary charges SR.NO.7628

CRL OP.17644/2020

Date :18/11/2020

GKS:30/11/2020