

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.16879 of 2020

Meenakshisundaram

... Petitioner/first accused

Vs.

State by

... Respondent/Complainant

The Inspector of Police,
M-5, Ennore Police Station,
Chennai.

Crime No. 4011 of 2020.

PRAYER: This Criminal Original Petition has been filed under Section 438 of Cr.P.C., seeking to grant anticipatory bail to the petitioner in the event of arrest by the respondent in Crime No.4011 of 2020 on the file of the respondent.

For Petitioner : Mr.V.Parthiban

For Respondent : Mr.Charles Premkumar
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 alleged offences punishable under Sections 294(b), 323, 324 and 506(II) of Indian Penal Code in Crime No.4011 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that as per the First Information Report, the petitioner along with one Venkat picked quarrel with the defacto complainant and the defacto complainant was attacked on his head and left ear and forehead with bottle causing cut injury. After taking treatment at Sugam hospital, the complaint was given to the respondent police on 10.10.2020.

3.The learned Counsel for the petitioner would submit that the defacto complainant and the petitioner are having, shops nearby and business rivalry. In view of the petty quarrel arose, the defacto complainant hit the petitioner and in the said occurrence, the petitioner has retaliated. However, the police has not taken the

complaint of the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner is an aggressor. No counter case has been received by the respondent police as alleged by the petitioner.

5.Considering the above submissions, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

[a] Accordingly, the petitioner is directed to be released on bail in the event of arrest or his appearance, within a period of fifteen days, before the learned Judicial Magistrate, Thiruvotriyur, 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 to the satisfaction of the learned Magistrate concerned, as the case may be.

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 15 days and thereafter as and when required for interrogation. Further, the petitioner shall co-operate with the investigation.

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

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

[f] On failure to comply the condition or 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 petitioners 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.

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

-sd/-
22/10/2020

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,
THIRUVOTRIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI.

CC to M/S.V.PARTHIBAN Advocate on payment of necessary charges

CRL OP.16879/2020

Date : 22/10/2020

TA-02/11/2020

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