

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.16940 of 2020

Imran Basha

... Petitioner/Accused.

Vs.

State rep.by its
Inspector of Police,
(P-2), Otteri Police Station,
Chennai.

Crime No. 967 of 2020

... Respondent/Complainant

PRAYER: This Criminal Original Petition has been filed under Section 438 of Cr.P.C., praying to enlarge the petitioner/accused on anticipatory bail on event of arrest in Crime No.967/2020 on the file of the respondent police (P-2 Otteri Police Station).

For Petitioner : Mr.M.Illiyas

For Respondent : Mr.Charles Premkumar
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 punishable under Sections 341, 294(b), 324 and 506(ii) of IPC in Crime No.967 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to family dispute, a complaint has been given by the defacto complainant against the petitioner herein alleging that the petitioner abused the defacto complainant in filthy language and attacked with knife. The defacto complainant was taken to KMC hospital and treated as out-patient and thereafter, the written complaint has been lodged to the respondent police.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and that he has been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. Heard the learned Additional Public Prosecutor appearing for the respondent police.

5. Taking note of the fact that the occurrence has happened due to the family dispute and the custodial interrogation is not required in this case, 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 XV Metropolitan Magistrate, 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 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 as and when required for interrogation.

[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 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/-

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 XV METROPOLITAN MAGISTRATE
GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

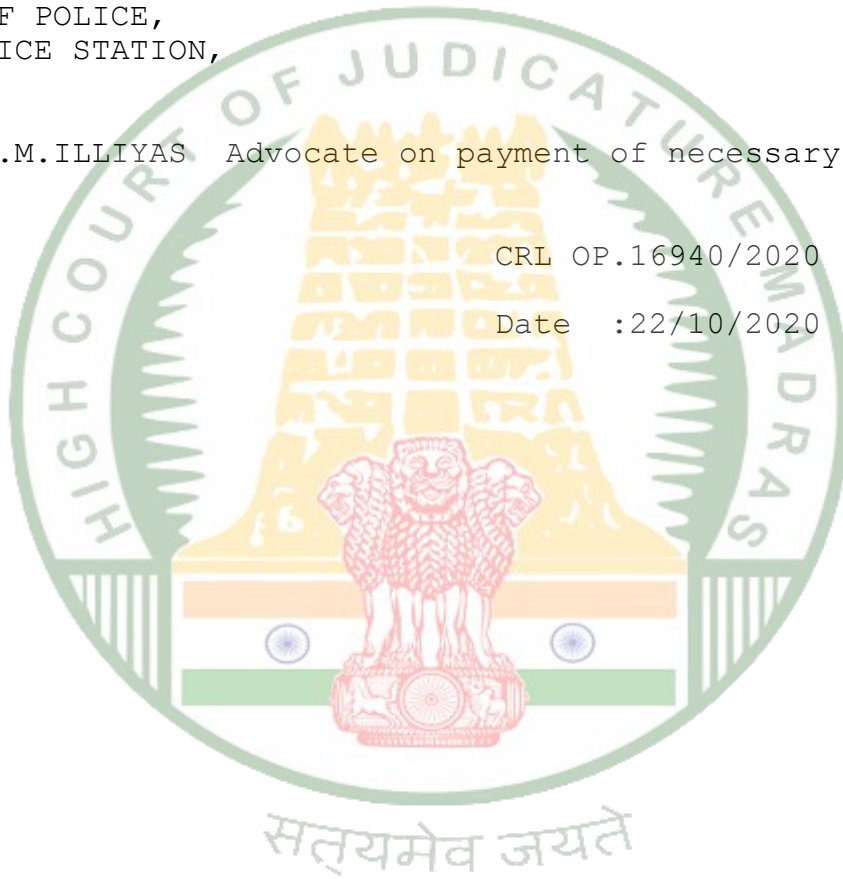
4 INSPECTOR OF POLICE,
P-2 OTTERI POLICE STATION,
CHENNAI.

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

CRL OP.16940/2020

Date :22/10/2020

RVR 05/11/2020



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