

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2020

CORAM:

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

CrI.O.P.No.16952 of 2020

Yesudoss

... Petitioner/Accused No.2

Vs.

State rep. By

The Inspector of Police,
Vadapalani Police Station,
Chennai District.

Crime No.481 of 2020.

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in Crime No.481 of 2020 on the file of the respondent.

For Petitioner : Mr.S.N.Arun Kumar

For Respondent : Mr.Charles Prem Kumar
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 294 (b), 341, 323, 324, 427 and 506(i) IPC in Crime No.481 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 13.10.2020, the petitioner along with one Tamilselvan picked a quarrel with the defacto complainant due to previous enmity and damaged his shop and also thrown boiling hot oil on the defacto complainant causing severe burn injury.

3. The learned Additional Public Prosecutor states that A1 was arrested and later released on bail by the learned Metropolitan Magistrate. The injured / defacto complainant got discharged yesterday i.e., on 21.10.2020 after nine days of treatment.

4. From the First Information Report, this Court finds that the petitioner and his associate damaged fish and chicken worth of Rs.3000/- (Rupees three thousand only) and also attacked the defacto complainant over his face, left hand, shoulder and neck.

5. Taking into consideration of the facts and circumstances of the case and the overt act of A1 and the role of the petitioner herein in the said crime, 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 XVII Metropolitan Magistrate Court, Saidapet, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five 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 deposit a sum of Rs.10,000/- (Rupees ten thousand only) to the credit of the Crime Number 481 of 2020.

[d] the petitioner shall report before the respondent police as and when required for investigation.

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

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

[g] 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].

[h] 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 METROPOLITAN 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,
VADAPALANI POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S. S.N.ARUNKUMAR Advocate on payment of necessary charges SR.No.7078

सत्यमेव जयते

CRL OP.16952/2020

cs 28/10/2020

Date :22/10/2020

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