

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17178 of 2020

1.Yuvaraj

... Petitioners/Accused

2.Micheal

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
Otteri Police Station,
Kancheepuram District.
[Crime No.1300 of 2020]

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No. 1300 of 2020, on the file of the respondent police.

For Petitioners : Mr.R.Thamaraiselvan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Section 294(b), 323, 324, 427, 506(ii) of IPC, in Crime No. 1300 of 2020, on the file of the respondent, seek anticipatory bail.

2 The case of the prosecution is that due to wordy quarrel between the petitioners and other persons, the petitioners had pelted stones in the house of the defacto complainant and when it was questioned by the father of the defacto complainant, the petitioners have attacked the defacto complainant and his father and mother. Further, one Yuvaraj has assaulted the defacto complainant with knife on his head and thereby, he has sustained injuries. Hence, the complaint.

3 The learned counsel for the petitioners would submit that this Court had granted anticipatory bail to the petitioners in CrI.O.P.No.15516 of 2020, dated 01.10.2020 with a condition that "the petitioners shall appear before the learned Judicial Magistrate Court No.II, Chengalpattu within a period of 15 days from the date on which the order copy is made ready, failing which, anticipatory bail granted to the petitioner stands cancelled" but the petitioners were unable to appear before the learned Magistrate within 15 days due to which, anticipatory bail has been cancelled. Hence, he prays for grant of anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital. He further submitted that there are no previous cases pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5 Taking into consideration the facts and submissions of the learned counsel and the fact that the victim has been discharged from the hospital and that there is a case in counter and also considering the fact that that this Court had already granted anticipatory bail to the petitioners in CrI.O.P.No.15516 of 2020, dated 01.10.2020, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6 Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Chengalpattu, on condition that each 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 petitioners 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 petitioners 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.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
03/11/2020

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.II, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
OTTERI POLICE STATION,
KANCHEEPURAM DISTRICT.

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

WEB COPY

CRL OP.17178/2020

Date :03/11/2020

TA-10/11/2020