

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.17239 of 2020

V.Ranjith Kumar

... Petitioner

Vs.

The State rep by

The Inspector of Police,
SADRAS Police Station,
Chengalpattu District
Crime No. 771 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent police in Crime No.771 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.M.Mohamed Riyaz

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 offences punishable under **Sections 147, 148, 294(b), 324, 307 and 506(ii) IPC**, in Crime No.771 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the petitioner belong to the same political party. While so, on 02.07.2020, petitioner and other accused, abused and assaulted the defacto complainant with deadly weapons. Thereby, the defacto complainant sustained injuries. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and that a false case has been

foisted against him. He would submit that this is the second application for anticipatory bail and the earlier petitioner was dismissed on 15.09.2020. He would further submit that co-accused have been granted anticipatory bail by this Court vide Crl.O.P.No.10643 of 2020 dated 16.07.2020. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that during a wordy quarrel, the petitioner/A1 along with other accused, abused and assaulted the defacto complainant with deadly weapons resulting in the defacto complainant sustaining injuries on his face. He further submitted that there are eight previous cases pending against the petitioner out of which, three cases have been registered for offence under Section 302 IPC and one case is for Section 337 IPC. He would further submit that there is a case in counter in Crime No.787 of 2020 and that the victim has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Heard both sides and perused the materials placed on record including the A.R. Copy.

6. Considering the above facts and circumstances of the case and the fact that the co-accused in this case have been granted anticipatory bail by this Court and that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of 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 Judicial Magistrate, Thirukalukundram**, 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 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 petitioner shall report before the respondent police daily 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

23/11/2020

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
THIRUKALUKUNDRAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SADRAS POLICE STATION, CHENGALPATTU DISTRICT

+2 CC to M/S.M.KANNAN Advocate on payment of necessary charges SR.NO.7770

CRL OP.17239/2020

Date :23/11/2020

GKS:27/11/2020