



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18241 of 2020

S.Sarathy

... Petitioner

Vs.

The State Represented by,

...Respondent

The Inspector of Police,

T-5, Thiruverkadu Police Station,

Chennai.

Crime No.924/2020.

**Prayer:** Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.924 of 2020 on the file of the respondent police.

For Petitioner : Mr.Vijay Gurudass

For Respondent : Mr. M. Mohamed Riyaz,

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 offences punishable under Sections 147, 148, 324 & 307 of IPC in Crime No.924 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 23.09.2020, while the defacto complainant, the Ex-chairman of the local Panchayat, Thiruverkadu, along with his friend one Munusamy was proceeding, at that time, A1 who had political rivalry and motive against the defacto complainant, had engaged the other accused viz. A2 to A9 to do away with him, due to which, the defacto complainant sustained injuries on his head and he was also bleeding through nose and ears and in order to escape from their attempt, the defacto complainant and his friend escaped from the scene of occurrence and had gone into the temple and locked inside, otherwise, they would have been done to death.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that he has no previous cases against him. He would further submit that even as per the prosecution, the defacto complainant has stated that three unknown persons have attempted to assault him. He would further submit that the co-accused have been arrested and released on bail by this Court in Crl.O.P.Nos.18440 and 18462 of 2020 dated 23.11.2020.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner has attempted to do away with the life of the defacto complainant. He would further submit that the defaco complainant had fortunately escaped from the scene of occurrence by locking him inside the temple. He would further submit that the accused used knife, aruval and axe to assault the defacto complainant and his friend, due to which, the defacto complainant sustained injuries in the temporal region and vomited blood and then he was taken to the hospital and treated. He would further submit that the injured has been discharged. He would further submit that there is a life threat to the defacto complainant. He would further submit that A1, A2, A3 and A5 have been detained under Act 14 and A1 has got one 302 IPC case to his credit. As far as this petitioner is concerned, he has no previous cases. He would further submit other accused have been arrested and enlarged on bail by this Court and also submitted that the Investigation is pending. However, he opposed for grant of anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned Counsel and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate No.II, Poonamalle**, 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 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.

**[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.**



[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 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/-  
08/12/2020

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, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
T-5, THIRUVERKADU POLICE STATION,  
CHENNAI.

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

CRL OP.18241/2020

Date :08/12/2020