

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18647 of 2020

Bala @ C.N.Balakumar

.. Petitioner

Vs.

The State rep. by
The Inspector of Police
Madipakkam Police Station
Chennai District
Crime No.998 of 2020

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.998 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Arun

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 alleged offences under Sections 147, 148, 341, 323, 324, 392 and 506(ii) of IPC, in Crime No.998 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that during the quarrel in a funeral, the accused persons assaulted the de-facto complainant and his cousin with beer bottle and iron rod and caused injuries. During the incident, 3 sovereigns of gold chain belonging to the de-facto complainant and also one mobile phone worth Rs.12,000/- were found missing. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that during the quarrel in a funeral, some of the persons were inebriated condition created problem. He would further submit that there is no previous case against the petitioner and also the injured has been discharged from the hospital. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally six accused in this case and the petitioner is added as A3. During the funeral, dispute arose between both parties, due to which the petitioner along with 5 other accused assaulted the de-facto complainant and his cousin with beer bottle and iron rod and caused injuries. He would further submit that during the incident, 3 sovereigns of gold chain belonging to the de-facto complainant was found missing. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also of 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:

a) 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Alandur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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 daily at 10.30 a.m for a period of two weeks and thereafter, on every Monday at 10.30 a.m until further orders.

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

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
10/12/2020

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,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADIPAKKAM POLICE STATION,
CHENNAI

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

CRL OP.18647/2020

Date :10/12/2020

MK:15/12/2020