

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

CrI.O.P.No.18719 of 2020

Vijay

..Petitioner

Vs.

State rep. By:-

Inspector of Police

K9 Thiru vi.ka.Nagar police Station,

Chennai.

(Crime No.809 of 2020)

..Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.809 of 2020, pending investigation on the file of the respondent.

For Petitioner : Mr.V.Dineshkumar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

(This 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 147, 148, 294(b), 341, 323, 324, 448, 427, 336, & 307 IPC in Crime No.809 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to pathway dispute, the petitioner along with other accused had assaulted the defacto complainant with knife, due to which, the defacto complainant sustained injuries on the head and shoulder.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to pathway dispute.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that totally there are 14 accused in this case and the petitioner is A14. He would further submit that due to pathway dispute, the petitioner had assaulted the defacto complainant with knife, thereby, causing injuries on the head and shoulder. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioner. He would further submit that A1 to A11 have been enlarged on bail.

5.Taking into consideration of the facts and circumstances of the case, submissions of the learned counsel and also considering the fact that the injured has been discharged, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6.Accordingly, the petitioner is directed to be released on bail in the event of his 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 V Metropolitan Magistrate, Egmore, Chennai 600 008, 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 learned V Metropolitan Magistrate, Egmore, 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 one week 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 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, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

30/11/2020

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 V METROPOLITAN MAGISTRATE
EGMORE, CHENNAI- 600 008.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
K9, THIRU.VI.KA.NAGAR POLICE STATION,
CHENNAI.

CC to M/S.V.DINESHKUMAR Advocate on payment of necessary
charges SR.NO.7842

CRL OP.18719/2020

Date :30/11/2020

RVR 07/12/2020

WEB COPY