

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

CrI.O.P.No.18771 of 2020

Divagar @ Divakar

...Petitioner

Vs.

State :

The Inspector of Police,
P-5 MKB Nagar police station
Chennai.

(Crime No.784 of 2020)

..Respondent/Complainant

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.784 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Mohana Krishnan

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 Section 341, 294(b), 324, 307 and 506(ii) of IPC in Crime No.784 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with other accused had assaulted the defacto complainant with knife, due to which, the victim sustained injuries on the head. The further allegation is that totally there are four accused in this case. Petitioner herein is A3, A1 and A2 have been enlarged on bail by this Court.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this offence.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous motive, the petitioner along with other accused had assaulted the defacto complainant with knife, due to which, the victim sustained injuries on the head. He would further submit that totally there are four accused in this case and petitioner herein is A3. He would further submit that A1 and A2 in this case have been released on bail and this petitioner has one previous case pending against him and the injured has been discharged

5. Taking into consideration of the facts and circumstances of the case, submissions of the learned counsel and 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 X Metropolitan Magistrate, 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 X 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 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 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 X METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE
EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

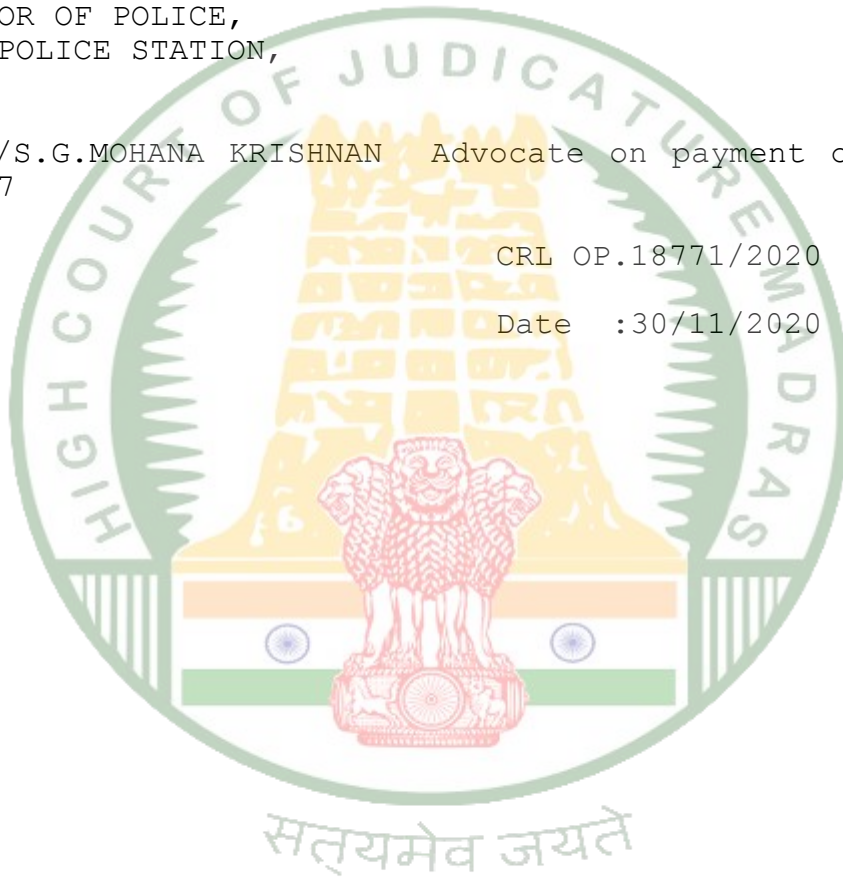
4 THE INSPECTOR OF POLICE,
P-5 MKP NAGAR POLICE STATION,
CHENNAI

CC to M/S.G.MOHANA KRISHNAN Advocate on payment of necessary
charges Sr.7827

CRL OP.18771/2020

Date :30/11/2020

RVR 07/12/2020



WEB COPY