

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.18997 of 2020

1.Subash

2.Santhosh @ Santhosh Kumar Singh

.. Petitioners

Vs.

The State Represented by
The Inspector of Police,
M-5, Ennore Police Station,
Chennai.

(Crime No.4075 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.4075 of 2020 pending on the file of respondent.

For Petitioners : Mr.M.Vinoth

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 341, 294(b), 324 and 506 (ii) of IPC, in Crime No.4075 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to a wordy quarrel, while playing volly ball in Ramakrishna Nagar Ground, the petitioners abused and assaulted the de-facto complainant on his head with stone as a result of which the defacto complainant sustained injuries on his head. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that there is a case in counter in Crime No.4074 of 2020 against the defacto complianant. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the due to a wordy quarrel, while playing volly ball in Ramakrishna Nagar Ground, the petitioners were abused and assaulted the de-facto complainant on his head with stone as a result of which the defacto complainant sustained injuries. He would submit that there is a case in counter in Crime No.4074 of 2020 and that the victim has already been discharged from the hospital and no previous case as against the petitioners. However, he opposed for grant of bail to the petitioners.

5. Taking into consideration, the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital and there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date on which the copy of this order is made ready, the petitioners shall execute a separate 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 Judicial Magistrate Court, Thiruvottriyur, 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 petitioners shall report before the respondent police every day at 10.30 a.m for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

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

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

[g] 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].

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

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

-sd/-

07/12/2020

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,
THIRUVOTTRIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI.

CC to M/S.M.VINOTH Advocate on payment of necessary charges
Sr.7960

CRL OP.18997/2020

Date :07/12/2020

RVR 10/12/2020

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