

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :22.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.20313 of 2020

V.Aandi

... Petitioner

Vs.

The State of Tamil Nadu,
through the,
Inspector of Police,
Velur Police Station,
Namakkal District.
(Crime No.614 of 2019)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of their arrest in Crime No.614 of 2019 pending investigation on the file of the respondent police.

For Petitioner : Mr.Deepan Uday

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

ORDER

(The case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 324, 506(ii), 147 & 307 of IPC, in Crime No.614 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the A1 had a dispute with one Balaji regarding auction of coconuts belonging to a certain temple. When the accused persons picked up altercation with Balaji, the defacto complainant intercepted to pacify both the parties, at that time, A1 along with other accused persons attacked him indiscriminately with wooden log and caused head injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner was already granted anticipatory bail by this Court in CrI.O.P.No.5501 of 2020 dated 12.03.2020. However, due to Covid-19 pandemic circumstances, the petitioner was not able to surrender before the court below within the prescribed time and that the earlier order got lapsed. Hence, the present petition has been filed seeking for grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital. He further submitted that there are no previous cases pending against the petitioner. 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 have 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 directed to deposit a sum of Rs.1,000/- (Rupees One Thousand only) each as non refundable deposit to the credit of Legal Services Authority attached to the concerned Court, within a period of fifteen days from the date on which the order copy made ready and on such deposit the petitioner is ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-I, Namakkal, 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 deposit a sum of Rs.1,000/- (Rupees One thousand only) to the credit of Legal Services Authority attached to the concerned Court, and shall produce the said receipt before the Court below.

[c] the petitioner shall report before the respondent police everyday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

22/12/2020

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.I, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELUR POLICE STATION,
NAMAKKAL DISTRICT.

5 THE OFFICER INCHARGE
THE LEGAL SERVICES AUTHORITY,
NAMAKKAL.

6 THE MEMBER SECRETARY,
TAMIL NADU LEGAL AID SERVICES AUTHORITY,
HIGH COURT, MADRAS.

CC to M/S.DEEPAN UDAY Advocate on payment of necessary charges

CRL OP.20313/2020

Date :22/12/2020