

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

CrI.O.P.No.18820 of 2020

1.V.Mohan
2.Ka.Ve.Chezhiyan

...Petitioners

Vs.

State by
The Inspector of Police
Ice House Police Station
Chennai.
(Crime No.1635 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Crime No.1635 of 2020, pending investigation on the file of the respondent.

For Petitioners : Mr.K.J.Saravanan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under **Section 294(b), 323, 506(i)** IPC in Crime No.1635 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant belong to different political group, due to their political enmity, wordy quarrel arose between them, thereby, the petitioners have assaulted the victim with wooden log, due to which, the victim sustained injuries on his eye. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the victim has been discharged from the hospital and the petitioners have no bad antecedents.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners and the defacto complainant belong to different political group, there was a wordy quarrel between them, due to which, the petitioners have attacked the victim with wooden log. The victim sustained injuries on his eye. He would further submit that the victim has been discharged from the hospital and there is no previous cases pending against these petitioners.

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

6.Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the Metropolitan Magistrate Court No.II, Egmore, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) **each**, with two sureties, each for a like sum to the satisfaction of the Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that;

[a] the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

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

[d] the petitioners 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 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].

[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/-
01/12/2020

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 METROPOLITAN MAGISTRATE,
NO.II, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ICE HOUSE POLICE STATION,
CHENNAI.

+1 CC to M/S.K.J.SARAVANAN Advocate on payment of necessary charges SR.NO.38644

CRL OP.18820/2020

Date : 01/12/2020

TA-08/12/2020

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