

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.19962 of 2020

B.Surya

... Petitioner

Vs.

The State represented by,
The Station House Officer,
M5, Ennore Police Station,
Chennai-600 019.

Crime No.4090 of 2020,

...Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 4090 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Arunkumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 324, 294(b) and 506(ii) of IPC, in Crime No. 4090 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Danasekaran, is that on 28.11.2020, at about 10.00 p.m., there was a wordy quarrel between the petitioner and the defacto complainant, during which, the petitioner attacked the defacto complainant with wooden log. Thereby, the defacto complainant has sustained injuries. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that when the petitioner was in drunken mood, there was a wordy quarrel between the petitioner and the defacto complainant. For which, the petitioner abused the defacto complainant and attacked him with wooden log. Thereby, he sustained injuries on his head and admitted in the hospital. He would further submit that the injured has been discharged from the hospital and there are no previous cases pending against the petitioner. However, he opposed for grant of anticipatory bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsel and the fact that the victim has been discharged from the hospital and also that there is no previous case against the petitioner, 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 Judicial Magistrate, Thiruvottriyur, Chennai, on condition that each 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 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.

[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 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/-
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,
THIRUVOTTRIYUR, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
M5-ENNORE POLICE STATION, CHENNAI.

+1 CC to M/S T.ARUN KUMAR Advocate on payment of necessary charges SR.NO.8673

CRL OP.19962/2020

Date :22/12/2020

GKS:04/01/2021

सत्यमेव जयते

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