

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19847 of 2020

M.Heamanth Kumar

... Petitioner

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai.
Crime No.4946/2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.4946 of 2020, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Shanmuga Boopathy

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

सत्यमेव जयते
ORDER

(The 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 Sections 147,148,323,294(b),341,427 and 506(ii) of IPC in Crime No.4946 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 14.11.2020, there was a wordy quarrel between the petitioner and other accused and the defacto complainant. During that time, the petitioner and other accused are in drunken mood and abused the defacto complainant and assaulted him with knife. Due to which, the defacto complainant sustained injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and other accused persons have abused and assaulted the defacto complainant with knife. For which, the defacto complainant has sustained injuries and he was admitted in the hospital. He further submitted that he has been discharged from the hospital. However, he oppose to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and submissions of the learned counsel and the fact that the victim has 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 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 made ready, before the learned XV Metropolitan Magistrate, George Town, Chennai 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 report before the respondent police daily at 10.30a.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 petitioners 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 absconds, a fresh FIR can be registered under Section 229A IPC.

8.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 METROPOLITAN MAGISTRATE,
NO.XV, GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H-4, KORUKKUPET POLICE STATION,
CHENNAI.

CC to M/S T.SHANMUGABOOPATHI Advocate on payment of necessary charges

CRL OP.19847/2020

Date :22/12/2020

TA-11/01/2021

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