

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.109 of 2021

M.Santhosh

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Vishnu Kanchi,
Kancheepuram District.
(Crime No.430 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.430 of 2019 pending on the file of the respondent.

For Petitioner : Mr.G.Magesh Kumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are 10 accused and the petitioner is arrayed as 9th accused. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 294(b), 307, 506 (ii) of I.P.C. in Crime No.430 of 2019 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the defacto complainant is running a fruit stall, on the date of occurrence, some unknown persons have went to his shop and attacked him with aruval and knife, thereby caused injuries. Hence, the present complaint has been filed.

3. The learned counsel appearing for petitioner would submit that totally, there are 10 accused. Even as per the F.I.R., only two persons said to have attacked the defacto complainant. Hence, the petitioner is no way connected with the alleged offence made out in the complaint and he has been falsely implicated in the complaint. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that all the petitioners have attacked the defacto complainant and caused injuries. He would submit that A1 to A3 are still absconding and the other arrested co-accused were released on bail. He would also submit that there is no previous case against the petitioner and the injured was also discharged from the hospital. However, he opposed to grant anticipatory bail.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the other arrested co-accused were released on bail and injured was also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kancheepuram on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, 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 petitioner shall appear before the respondent police as and when required for interrogation;

[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 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];

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

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

-sd/-
11/01/2021

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, KANCHEEPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VISHNU KANCHI,
KANCHEEPURAM DISTRICT.

+1 CC to M/S.G.MAGESH KUMAR Advocate on payment of necessary charges SR.No.439

CRL OP.109/2021

Date :11/01/2021

cs 22/01/2021

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