

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.448 of 2021

Micheal

... Petitioner

Vs.

The State rep. by
The Inspector of Police
S-10, Pallikaranai Police Station,
Chennai
Crime No.604 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No.604 of 2020, on the file of the Respondent police.

For Petitioner : Mr.V.Saravanan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 147, 148, 341, 294(b), 307 of IPC in Crime No.604 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. There are totally five accused in this case and the petitioner is A2. The allegation is that due to some previous motive, all the accused are said to have attacked the de-facto complainant and caused injuries on hand and hence, the crime has been registered.

3. The learned counsel for the petitioner would submit that due to previous motive between the de-facto complainant and other accused, the occurrence has taken place. Even as per the FIR, A1 and A3 attacked the de-facto complainant with Aruval and the petitioner/A2 is said to have caught hold the injured person. He would further submit that other similarly placed accused have been arrested and released on bail and also injured has been discharged from the hospital. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that due to previous motive, occurrence had taken place and all the accused attacked the de-facto complainant and caused injuries. The main accused has been arrested and released on bail. Investigation is also over. The other co-accused have been released on bail. Also, the injured has been discharged from the hospital.

5.Considering the fact that the similarly placed co-accused have been released on bail and also, the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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 on which the order copy made ready, before the learned Judicial Magistrate, Alandur, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 10.30 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 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].

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

-sd/-
22/01/2021

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,
ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S-10, PALLIKARANAI POLICE STATION,
CHENNAI.

+1CC to M/S.V.SARAVANAN Advocate on payment of necessary
charges SR NO.838

CRL OP.448/2021

Date :22/01/2021

MK:02/02/2021

WEB COPY