

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.304 of 2021

Kumar

... Petitioner/Accused -A1

-Vs-

State by,

Inspector of Police,

P-6 Kodungaiyur Police Station,

Chennai.

(Crime No.14 of 2021)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.14 of 2021 on the file of the respondent police.

For Petitioner : Mr.K.Arunprasad

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(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, 341, 294 (b), 324 and 506(i) of IPC, in Crime No.14 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that totally there are seven accused in this case. The petitioner is ranked as A1. On 03.01.2021, at about 3.30 p.m., there is a wordy quarrel between the petitioner and an Auto driver, who is a friend of the defacto complainant, pursuant to which, the petitioner along with others abused them with filthy language and also assaulted the defacto complainant with wooden logs and caused injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an auto driver and he has not committed any offence. He would also submit that it is a case in counter and on a complaint given by the petitioner a case has been registered in crime No.13 of 2020. Hence, he prays for grant of anticipatory bail to the petitioners. Hence, he prays for grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that earlier the petitioner was attacked by the defacto complainant's group. Hence, the petitioner lodged a complaint in Crime No.13 of 2021 and in counter blast, the present complaint has been registered against the petitioner in Crime No.14 of 2021. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of this case, 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 X Metropolitan Magistrate, Egmore, on condition that the petitioner shall execute a separate 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 week and thereafter as and when required.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
18/01/2021

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 METROPOLITAN MAGISTRATE NO.X,
EGMORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
P-6 KODUNGAIYUR POLICE STATION,
CHENNAI.

+1CC to M/S. K.ARUNPRASAD Advocate on payment of necessary charges SR NO.481

CRL OP.304/2021

Date :18/01/2021

MK:22/01/2021