

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1511 of 2021

Saruhasan

..... Petitioner

Vs.

The Inspector of Police,
Koyambedu Police Station
Chennai.

(Crime No.433 of 2019).

..... Respondent

Prayer : Criminal Original Petition filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest pending investigation in crime No.433 of 2019 on the file of the respondent police.

For Petitioner : Mr.Soundar Vijay Arul Ram

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 294(b), 307, 506(1) of I.P.C, in Crime No.433 of 2019, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that there a money dispute between the defacto complainant and the petitioner. Due to which the petitioner assaulted the defacto complainant with knife and thereby he sustained injuries. Hence the complaint.

3.The learned counsel for the petitioner would submit the petitioner is a innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the occurrence taken place in the year 2019 and subsequently the petitioner met with an accident and he is still in hospital. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that due to money dispute the petitioner attacked the defacto complainant with knife and caused injuries. Hence, he opposed to grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also the fact that the occurrence has taken place in the year 2019 and the petitioner is in 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 V Metropolitan Magistrate, Egmore, 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 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

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

-sd/-
03/02/2021

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.V,
EGMORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KOYAMBEDU POLICE STATION,
CHENNAI.

CC to M/S.M.SOUNDAR VIJAY ARUL RAM Advocate on payment of
necessary charges

CRL OP.1511/2021

Date :03/02/2021

MK:15/02/2021

WEB COPY