

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE **V.BHARATHIDASAN**

Crl.O.P.No.2142 of 2021

M.Suriya

...Petitioner

Vs.

The Inspector of Police,
G-3 Police Station,
Kilpauk, Chennai-600 010.
Crime No.3 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of arrest in Crime No.3 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.D.Ananda Ganesh

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

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 under Sections 341, 294(b), 323, 324 and 506(ii) of IPC in Crime No.3 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to wordy quarrel, the petitioner along with other accused, abused the *de facto* complainant in filthy language and assaulted him and thereby, caused injuries to him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that due to wordy quarrel, the occurrence had taken place. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally four accused in this case and the petitioner is A4. He would submit that due to wordy quarrel, the petitioner along with other accused attacked the *de facto* complainant. He

would further submit that co-accused have been already arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels and also the fact that co-accused have been arrested and released on bail, 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 **II Metropolitan Magistrate, Egmore, Chennai**, on condition that the petitioner shall execute a 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, failing which, the petition for anticipatory bail shall stand dismissed 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 report 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 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]**.

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

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

10.02.2021

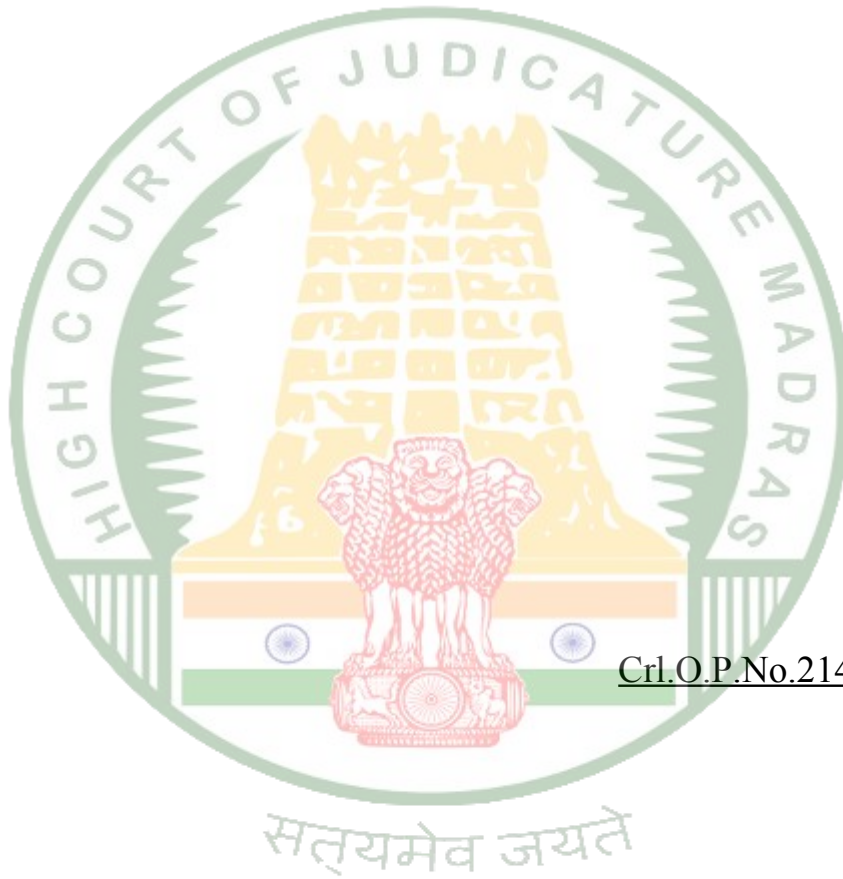
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To

1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
G-3 Police Station,
Kilpauk, Chennai-600 010.
3. The Public Prosecutor,
High Court of Madras,
Chennai-104.

V.BHARATHIDASAN,J

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