

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17..02..2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.2915 of 2021

Ranjith @ Rajini

... Petitioner

Vs.

The State Rep. By
The Inspector of Police,
Sholavaram Police Station,
Thiruvallur District.
[Crime No.5201 of 2020]

... 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.5201 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.R.Sankarasubbu

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.5201 of 2020 on the file of the respondent police for the alleged offences punishable under Sections 294(b), 363, 324, 392 and 397 of IPC, is before this court seeking anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. There are totally four accused. The petitioner has been arrayed as A2 in the case. The allegation is that on 05.02.2020, when the de facto complainant was riding on his two wheeler, the petitioner along with the other accused is said to have waylaid the de facto complainant, attacked him with weapons and caused injuries. Hence, the case has been registered on a complaint from the de facto complainant.

4. According to the learned counsel for the petitioner, the petitioner and the de facto complainant are policemen and on the date of occurrence there was a wordy quarrel. The main accused, viz., A1 who was arrested and remanded to judicial custody has been granted bail.

5. The learned Additional Public Prosecutor would submit that the the petitioner along with other accused had waylaid the de facto complainant and attacked him indiscriminately. He would however submit that A1 who was arrested and remanded to judicial custody has been released on bail.

6. The petitioner and the de facto complainant are policemen. Due to wordy quarrel, the occurrence took place. Considering the facts and circumstances of the case and also the fact the injured has been 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-II, Ponneri, Tiruvallur District, on his executing 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 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 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.

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

-sd/-
17/02/2021

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 JUDICIAL MAGISTRATE-II,
PONNERI, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.
CRIME NO.5201 OF 2020

+2 CC to M/S.R.SANKARASUBBU Advocate on payment of necessary charges SR.NO.1781.

WEB COPY

CRL OP.2915/2021

Date :17/02/2021

EP-24/02/2021