

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.3396 of 2021

A.DINESH

[PETITIONER / ACCUSED]

vs

STATE REP BY
THE INSPECTOR OF POLICE,
H-5, WASHERMENPET POLICE STATION,
CHENNAI.
CRIME NO. 4369/2020

[RESPONDENT]

For Petitioner : M/S.S.ANBUSELVAN Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 147, 148, 294(b), 323, 324, 307, 341 and 506(ii) of I.P.C in Crime No.4369 of 2020, on the file of the respondent/Police, seek anticipatory bail.

2. Totally there are 6 accused in this case and the petitioner is A2. The allegation is that the petitioner and the defacto complainant belongs to two different rival groups and there was previous enmity between these two groups. Due to which the petitioner along with accused kidnapped the defacto complainant in a two wheeler and attacked him with knife and caused multiple cut injuries to him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the occurrence took place in the in September 2020 and the overtact is attributed only against A1, who has been already arrested and released on bail. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that due to previous enmity between two rival groups, the petitioner along with other accused attacked the defacto complainant and inflicted injuries on him. He would further submit that the injured has been discharged from the hospital. Hence he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also taking note of the fact that the occurrence took place during September 2020 and the injured has been discharged from the hospital and the main accused/A1 has been enlarged on bail, this court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. Accordingly, the petitioner is ordered to be released on bail in their 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 XVI Metropolitan Magistrate Court, George Town, Chennai - 01 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 for interrogation.

[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 229 A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-
17/03/2021

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 XVI METRROPOLITAN MAGISTRATE COURT,
GEORGE TOWN, CHENNAI.

2 THE CHEIF METRROPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H-5, WASHERMENPET POLICE STATION,
CHENNAI.

+1 CC to M/S.S.ANBUSELVAN Advocate on payment of necessary charges SR NO. 3576

सत्यमेव जयते

CRL OP.3396/2021

Date :17/03/2021

WEB COPY

MN-30/03/2021