

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.3569 of 2021

K.Baburaj

... Petitioner

Vs.

The Inspector of Police,
T-12, Poonamallee Police Station,
Trunk Road, Poonamallee,
Chennai-600 056.
Crime No.53 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No.53 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.R,Karthikeyan

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 offences publishable under Sections 341, 294(b), 323 and 353 of IPC 1860, in Crime No.53 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the driver of the Transport Corporation and the petitioner is the conductor of the another Transport Corporation, there was a wordy quarrel between the petitioner and defacto complainant, as a result of which , the petitioner had abused and attacked the defacto complainant and caused injuries. Hence, the complaint was registered.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit that the petitioner has given a complaint before the respondent police in Crime No.52 of 2020 against the defacto complainant and there is a case in counter. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there is a case in counter case in Crime Nos.52 & 53 of 2020 has been registered by the respondent police. He further submitted that there are no previous cases pending as against the petitioner. He would further submit that the injured person has been discharged from the hospital. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that there is a case in counter and the injured person has been discharged from the 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 Judicial Magistrate-II, Poonamallee, 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 petitioners 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 229A IPC.

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

-sd/-
24/02/2021

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,
NO.II, PONNAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-12, POONAMALLE POLICE STATION,
TRUNK ROAD, POONAMALLEE, CHENNAI.

+1 CC to M/S.S.R.KARTHIKEYAN Advocate on payment of necessary charges SR.NO.2443

CRL OP.3569/2021

सत्यमेव जयते Date :24/02/2021

TA-05/03/2021

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