

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Nineteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5551 of 2021

ANBAZHAGAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
E-1, MYLAPORE POLICE STATION,
CHENNAI.
CRIME NO. 114 OF 2021.

[RESPONDENT]

For Petitioner : M/S. K.THENRAJAN 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 case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.114 of 2021 on the file of the respondent police for the alleged offence u/s 294(b), 324 and 506(ii) of IPC, seeks anticipatory bail.

2. The petitioner and the de facto complainant were stated to be friends. On 23.02.2021 there was a petty quarrel between the friends over consuming liquor in which the petitioner is said to have assaulted the de facto complainant and caused injuries.

3. The learned counsel for the petitioner submitted that the petitioner and the de facto complainant were friends and both of them were attacked each other. The petitioner has been falsely implicated in the case to counter blast the case in Cr.No.113 of 2021 in which the de facto complainant is the accused. The petitioner has also sustained injuries at the hands of the de facto complainant.

4. The learned Additional Public Prosecutor submitted that the occurrence was due to a wordy altercation over a petty issue and there is also a counter case registered in Cr.No.113 of 2021 against the de facto complainant.

5. Considering the nature of the incident and the allegations made against the petitioner and on considering the fact that there is also a counter case registered against the de facto complainant, 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 XVIII Metropolitan Magistrate Court, Saidapet, Chennai, on executing 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, 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 by the police 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 himself /Trial Court 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/-
19/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE XVIII METRTOPOLITAN MAGISTRATE COURT,
SAIDAPET, CHENNAI.

2 THE CHIEF METRTOPOLITAN MAGISTRATE,
EGMORE[FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-1, MYLAPORE POLICE STATION,
CHENNAI.

+1 CC to M/S. K.THENRAJAN Advocate on payment of necessary
charges SR NO. 3787

CRL OP.5551/2021

Date :19/03/2021

MN-26/03/2021