

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No. 5676 of 2021

M.Gnanasekar

... Petitioner/Accused

-Vs-

The State Represented by its,
The Inspector of Police,
Arumbakkam Police Station,
Anna Nagar, Chennai.
Crime No. 114 of 2021

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure to enlarge the petitioner on bail in the event of his arrest in Crime No.114 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Krishnamoorthy

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

There are totally two accused persons in this case. The petitioner(A1), who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 341, 294(b), 323, 324 and 506(ii) IPC and the same is pending in Crime No.114 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that on 14.03.2021, the defacto complainant/Suresh lodged a complaint alleging the dispute between the petitioner(A1) and him over fixing the AC Unit and the matter was amicably settled between the parties. After that, the petitioner(A1) picked up wordy quarrel with the defacto complainant/Suresh and abused him in a filthy language and caused injuries. Hence, a complaint was registered in Crime No. 114 of 2021.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he is no way connected with this crime and as such he was not present in the scene of occurrence. The learned counsel would further submit that the respondent/police went to the place of the petitioner, to enquire about Gunasekaran (A2), threatened the petitioner and falsely implicated in this case. The

learned counsel for the petitioner would further submit that the petitioner is not having any antecedents and would duly abide by the conditions to be imposed by this Court. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent/police that the injured person has been discharged from the hospital and vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and in view of the fact that the petitioner is 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 V Metropolitan Magistrate, Egmore 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 229A IPC.

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

-sd/-

22/03/2021

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 METROPOLITAN MAGISTRATE No.V, EGMORE.

2.THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.(FOR INFORMATION)

3.THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4.THE INSPECTOR OF POLICE,
ARUMBAKKAM POLICE STATION,
ANNA NAGAR, CHENNAI.

CRL OP.5676/2021

Date :22/03/2021

TK/17.04.2021