

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

CrI.O.P.No.8999 of 2021

Deen @ Dinesh

... Petitioner

Vs.

State by

The Inspector of Police,
Pallikaranai Police Station,
Chennai.

[Crime No.1460 of 2020]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioner on anticipatory bail in the event of arrest in Crime No.1460 of 2020 on the file of the Respondent.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI.Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b) and 307 IPC in Crime No.1460 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. There are totally eight accused in this case. The case of the prosecution is that due to previous enmity, the petitioner along with other accused are alleged to have abused and assaulted the de facto complainant, due to which he sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate(Crl.Side) appearing for the respondent submitted that due to previous enmity, the petitioners along with other accused assaulted the de facto complainant and caused injuries to him.

5. Taking into consideration the facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest 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, Alandur, on condition that the each of 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 learned Judicial Magistrate concerned and on further conditions that:

(b) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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 daily at 10.30 a.m. for a period of two (2) weeks and thereafter, as and when required for interrogation;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) 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/-
13/05/2021

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, ALANDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PALLIKARANAI POLICE STATION,
CHENNAI.

+1 CC to M/S. B.GOPALAKRISHNAN Advocate on payment of necessary charges SR.No.6065

सत्यमेव जयते

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CRL OP.8999/2021
Date :13/05/2021

cs 16/06/2021