

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.19742 of 2020

M.Suresh Kumar

... Petitioner

Vs.

State By:

The Inspector of Police,
H-4, Korukkupet Police Station,
Chennai.

(Crime No.4946 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 his arrest, in Crime No.4946 of 2020, pending investigation on the file of the Respondent-Police.

For Petitioner : Mr.T.Shanmugaboopathi

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

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 offences punishable under Sections 147, 148, 323, 294(b), 341, 427 and 506(2) of IPC in Crime No.4946 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, there was a wordy quarrel between the petitioner and the defacto complainant, pursuant to which, the petitioner abused with filthy language and also assaulted the defacto complainant and thereby the defacto complainant sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and no way connected with this crime and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner had assaulted the defacto complainant, due to which, the defacto complainant sustained injuries. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 XV Metropolitan Magistrate George Town, Chennai, 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 daily at 10.30 a.m and 05.30 p.m., until further orders.

[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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
07/01/2021

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

TO

1 THE METROPOLITAN MAGISTRATE
NO.XV, GEORGE TOWN, CHENNAI.

2 THE CHEIF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
H-4, KORUKKUPET POLICE STATION,
CHENNAI.

+1 CC to T.SHANMUGABOOPATHI Advocate on payment of necessary
charges SR.No.346

CRL OP.19742/2020

Date :07/01/2021

cs 21/01/2021



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