

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.20102 of 2020

S.Yuvaraj

... Petitioner

-Vs.-

State rep. by
The Inspector of Police
T-5, Thiruverkadu Police Station
Chennai.
(Crime No.924 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.924 of 2020 pending investigation on the file of the respondent police.

For Petitioner : M/s.Indumathi Uthayakumar

For Respondent : Mr.C.Iyyapparaj
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 alleged offences under Sections 324 & 307 of IPC later altered with Sections 147, 148, 324 and 307 of IPC, in Crime No.924 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant one Mahendiran is that due to political enmity between the defacto complainant and Al/Naveen, the accused persons have murdered the brother's son of the defacto complainant in the year 2013. In order to take revenge against the defacto complainant, the petitioner along with other accused persons have assaulted the defacto complainant with Aruval on the head. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. She would further submit that this is the second anticipatory bail application, on the earlier application for anticipatory bail was dismissed on the ground, that Al was

arrested very recently and A4, A6 and A7 were arrested and they were in judicial custody and that the anticipatory bail application of the co-accused was dismissed by this Court in Crl.O.P.No.16344 of 2020 dated 14.10.2020. She would further submit that some of the arrested accused have been detained under Act 14 and some of the accused have been granted bail by this Court in Crl.O.P.No.18440 and 18462 of 2020 and yet another accused who has been similarly placed has been granted anticipatory bail by this Court in Crl.O.P.No.18241 of 2020. She would further submit that no specific overt act is attributed against this petitioner as if he was either in possession of any weapon or that he had threatened or attacked the victim. She would further submit that there is no previous cases pending as against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent vehemently opposed this petition stating that the petitioner along with other accused persons have assaulted the defacto complainant in retaliation to a murder. He would further submit that the role of the petitioner is that he was present at that time of occurrence along with the other accused. He would further submit that some of the accused have been released on bail and some of the accused have been detained under Act 14 and one of the accused has been granted anticipatory bail by this Court. He would further submit that there is no previous case pending as against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, 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 or on his appearance, within a period of fifteen days from the date on which the order copy is 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police, daily at 10.30 a.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/-
06/01/2021

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, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-5, THIRUVERKADU POLICE STATION,
CHENNAI.

CC to M/S. L.UTHAYA KUMAR Advocate on payment of necessary charges

CRL OP.20102/2020

Date :06/01/2021