

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20557 of 2020

M.Aravindhan

... Petitioner

Vs.

The Inspector of Police,
H1 Police Station,
Washermenpet.
(Crime No.4849 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of his arrest in Crime No.4849 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.V.T.Narendiran

For Respondent : Mr.S.Karthikeyan
Addl. 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 offences punishable under Sections 147, 148, 294(b), 353 and 332 of IPC, in Crime No.4849 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the head constable and on 19.08.2020 at about 2.05 p.m at Stanley hospital, the petitioner along with two other accused came and attacked the accused persons who were involved in Crime No.3529 of 2020 and when the defacto complainant and others interfered, the petitioner along with others, abused him with filthy language and attacked them. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been wrongly implicated in this case. He would further submit that all other co-accused have already been released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally nine accused, in which the petitioner is arrayed as A3. He would submit that the petitioner is the main accused and the co-accused have already been released on bail. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6. Taking into consideration, the facts and circumstances of the case and also co-accused have been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 XV Metropolitan Magistrate at George Town, Chennai, on condition that the petitioner shall execute a separate 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 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., for a period of two weeks and thereafter, 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 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XV METROPOLITAN MAGISTRATE,
GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
H1 POLICE STATION,
WASHERMENPET, CHENNAI

+2 CC to V.T.NARENDIRAN Advocate on payment of necessary charges SR NO. 324

सत्यमेव जयते

CRL OP.20557/2020

Date :07/01/2021

WEB COPY

MN-22/01/2021