

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20538 of 2020

Thangamani @ Rajeshkumar

... Petitioner/ Accused

Vs.

The State, represented by,
The Inspector of Police,
E-1, Mylapore Police Station,
Chennai District.
(Crime No.1289 of 2020)

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest by the respondent police concerned with Crime No.1289 of 2020, on the file of the Inspector of Police, E-1, Mylapore Police Station, Chennai District.

For Petitioner :Mr.R.Parthiban

For Respondent :Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner was arrayed as 3rd accused and totally, there are three accused in the present case. The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 324, 506(ii) and 379 of IPC, in Crime No.1289 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that on 14.11.2020 at 10.00 pm, the defacto complainant went to Royapettah high road junction along with his friends, there was a wordy quarrel arose between the petitioner and the defacto complainant, as a result of which, the petitioner said to have assaulted the defacto complainant, thereby caused injuries and also snatched his chain. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is only 3rd accused in this case and the other accused A1 and A3 were remanded to judicial custody and thereafter they were released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that in this case totally 3 accused, in which the petitioner is arrayed as A3. He further submitted that there is no previous case pending against the petitioner.

5. Taking into consideration of the facts and circumstances of the case, and other co-accused viz., A1 and A2 were already released on bail, this Court is inclined to grant bail to the petitioner/A3 subject to the following conditions:

[a] 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 of receipt of a copy of this order, before the learned Metropolitan Magistrate Court, No.XVIII, Saidapet, 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, 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 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 appear 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-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 METROPOLITAN MAGISTRATE
NO.XVIII, SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-1, MYLAPORE POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S. R.PARTHIBAN Advocate on payment of necessary charges
SR.No.281

CRL OP.20538/2020

Date :07/01/2021

cs 20/01/2021

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