

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.20384 of 2020

D.Ajay Vandaiyar

... Petitioner/ 1st Accused

Vs.

The State, represented by,
The Inspector of Police,
F-2, Egmore Police Station,
Chennai.

(Crime No.827 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 his arrest by the respondent police concerned in connection with Crime No.827 of 2020, on th file of the Inspector of Police, F-2, Egmore Police Station, Chennai.

For Petitioner : Mr.S.Anil Sandeep

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

It is a case in counter. The petitioner was arrayed as 1st accused. He has been implicated in the crime for the offence punishable under Sections 143, 294(b), 323 & 506 of I.P.C. in Crime No.827 of 2020 and now he has filed this petition seeking for anticipatory bail.

2. The allegation against the petitioner is that on 07.12.2020 when the petitioner along with other 10 persons went to the hotel at Egmore, there was a wordy quarrel between the petitioner and the security guards, in which, they have abused and attacked the defacto complainant, in the hotel premises. It is a case in counter. The respondent police have registered FIRs based on complaint given by both the sides in Crime Nos.826 and 827 of 2020.

3. The learned counsel appearing for the petitioner submitted that when the petitioner along with his friends went to the hotel, there was a wordy quarrel between them and another group, as a result of which, they were attacked by the defacto complainant, in which he sustained injuries, thereby a complaint was lodged against him in Crime No.826/2020. Subsequently, on the next day the petitioner went to the hotel, to collect the CCTV footages of the attack and robbery, which had taken place on him there on 06.12.2020, where there was a quarrel with the hotel security guards and they have given this complaint. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that there was a previous quarrel between the petitioners group with another group of people, in which a complaint was registered. In order to collect the CCTV footage, the petitioner created problem in the hotel premises, hence there was a wordy quarrel arose in between the petitioner and the hotel security guard.

5. Taking into consideration of the fact that it is a case and counter case and the occurrence taken place in a wordy quarrel and no one was injured, 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 of receipt of a copy of this order, before the learned XIV Metropolitan Magistrate, Egmore, Chennai, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 once in a week, on every Monday, 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 absconds, a fresh FIR can be registered under Section 229A IPC.

7. 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.XIV,
EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F-2, EGMORE POLICE STATION,
CHENNAI.

+1CC to M/S S.ANIL SANDEEP Advocate on payment of necessary charges SR NO.263

CRL OP.20384/2020

Date :07/01/2021

MK:20/01/2021