

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20633 of 2020

Ajith

... Petitioner

Vs.

The State rep. by
The Sub-Inspector of Police,
Arakkonam Taluk Police Station,
Ranipet District.
(Crime No.380 of 2020)

... Respondent

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 in Crime No.380 of 2020 pending on the file of the respondent.

For Petitioner : Mr.D.K.Nepolean

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

ORDER

(The case has been heard through video conference)

Totally, there are four accused and the petitioner is arrayed as A2. He apprehends arrest at the hands of respondent police for the offence punishable under Sections 341, 294(b), 323, 324, 307 and 506(ii) of I.P.C. in Crime No.380 of 2020 and now, he has filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that on 17.06.2020, there was a quarrel between some third parties regarding laying road, at that time, the defacto complainant said to have intercepted and questioned the same. Hence, all the accused have attacked him with iron rod and knife, thereby caused injuries to him. In the said circumstances, the criminal case has been registered against the petitioner and now, he is seeking anticipatory bail.

3. The learned counsel appearing for petitioner would submit that the specific overtact is attributed against the other accused A3 and A4. He would submit that A3 and A4 were arrested and released on bail and A1 is absconding. He would also submit that now the injured was also discharged from the hospital and no

specific overtact has been attributed against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that when there was a quarrel with the lorry driver, the defacto complainant had questioned the same, as a result of which, all the accused have attacked him with iron rod and knife, thereby caused injuries to him. He would also submit that the injured was also discharged from the hospital. Hence, he opposed to grant bail to the petitioner.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioner as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that there was a wordy quarrel between third parties, no specific overtact attributed against the petitioner, he is simply talking with his friend and A1 only attacked the defacto complainant with knife and the injured was also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, 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 Judicial Magistrate, Arakkonam, 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, and on further condition that:

[b] 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;

[c] the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders ;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
20/01/2021

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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE
ARAKKONAM TALUK POLICE STATION,
RANIPET DISTRICT.

+1 CC to M/S.D.K.NEPOLEAN Advocate on payment of necessary
charges SR NO. 628

CRL OP.20633/2020

Date :20/01/2021

MN-25/01/2021