

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. VAIDYANATHAN

CRIMINAL ORIGINAL PETITION No.8389 of 2017

A.KANNA

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
INSPECTOR OF POLICE,
THIYAGADURUGAM POLICE STATION,
VILLUPURAM DISTRICT
CR.NO.297 OF 2017.

[RESPONDENT]

For Petitioner : M/S.T.BALACHANDRAN Advocate

For Respondent : MR. P.MUTHUKUMAR, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 448 and 506(ii) IPC in Crime No.297 of 2017 on the file of the respondent-Police, the petitioner has come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent-Police.

3. The case of the prosecution is that there was a wordy quarrel between the petitioner and other accused and the de-facto complainant and the petitioner and other accused were alleged to have attacked the de-facto complainant and caused injury. Hence, a case has been registered against the petitioner and other accused persons.

4. Learned counsel for the petitioner submitted that the petitioner has not committed any such offence and a false case has been foisted against him.

5. Learned Government Advocate (Crl. Side), appearing for the respondent-Police, on instructions, submitted that the victim had been discharged from the hospital.

6. Though the petitioner was granted anticipatory bail on 04.08.2016 in CrI.O.P.No.17092 of 2016 and even the time was also extended for complying with the conditions in CrI.M.P.No.9152 of 2016 on 30.08.2016, still the petitioner has not complied with the conditions of the anticipatory bail granted, till date, and hence, he has come forward with this second anticipatory bail petition.

7. Though this Court is not inclined to grant the relief, as he has already disobeyed the said order of this Court, in order to give him one more opportunity, this Court considers the present anticipatory bail petition.

8. Accordingly, considering the above facts and circumstances of the case and also taking note of the fact that the victim had been discharged from the hospital, the petitioner is ordered to be released on bail in the event of his arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kallakurichi, Villupuram District, subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees twenty 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 Judicial Magistrate, Kallakurichi, Villupuram District;

(ii) 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;

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) the petitioner shall not leave Tamil Nadu without the prior permission of the Court below;

(vi) On breach of any of the aforesaid conditions, the 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 was released on bail by the Magistrate himself/Trial Court itself, as laid down by the Supreme Court in the case of P.K.Shaji Vs. State of Kerala (AIR 2005 SCW 5560).

-sd/-

27/04/2017

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,
KALLAKURICHI, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM DISTRICT. (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
THIYAGADURUGAM POLICE STATION,
VILLUPURAM DISTRICT.

CC to M/S.T.BALACHANDRAN Advocate on payment of necessary
charges Sr.7978

CRL OP.8389/2017

Date :27/04/2017

rvr 28/04/2017