

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Dr. Justice S. VIMALA

CRIMINAL ORIGINAL PETITION No.9407 of 2017

1 KANAGARAJ
2 PERIYA RAJ

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION,
TIRUPUR DISTRICT.
CR.NO.148/2017.

[RESPONDENT]

For Petitioner : M/S.M.N.BALAKRISHNAN Advocate

For Respondent : PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 294(b), 323, 506 (i) IPC, in Crime No.148 of 2017, on the file of the respondent Police, seeks anticipatory bail.

2. The learned counsel for the petitioners would submit that the petitioners have nothing to do with the alleged offence.

3. The learned Government Advocate (Crl. Side) would submit that the injured has been discharged from the hospital and as there is no previous case pending as against the petitioners, he has no objection to grant anticipatory bail to the petitioners.

4. The case of the prosecution is that the petitioners abused the defacto complainant in filthy language and threatened him with dire consequences. Since the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

5. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Udumalpet, on condition that each of the petitioners shall execute a 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 Judicial Magistrate concerned, and on further condition that:

(i) the petitioners shall report before the respondent Police, on every Monday and Wednesday, at 10.30 am, for a period of four weeks and thereafter, as and when required for interrogation;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall not abscond either during investigation or trial;

(iv) on breach of any of the aforesaid conditions, the learned Magistrate / Trial Court is authorized 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 learned Magistrate / Trial Court, as laid down by the Hon'ble Supreme Court in the case of **P.K.Shaji v. State of Kerala (2005) AIR SCW 5560**.

-sd/-

24/05/2017

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,
NO. II, UDUMALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GUDIMANGALAM POLICE STATION, TIRUPUR DISTRICT.

+1CC to M/S.M.N.BALAKRISHNAN Advocate on payment of
necessary charges SR.NO.9444

CRL OP.9407/2017

Date :24/05/2017

EGR 26/05/2017