

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.20707 of 2017

MOHAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE SUB-INSPECTOR OF POLICE,
THIRUKAZHUKUNDRAM POLICE STATION,
KANCHIPURAM DISTRICT.
CR.NO.466 OF 2017.

For Petitioner : M/S.R.SASIKUMAR Advocate

For Respondent : MR. K.MATHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

This is the second anticipatory bail application and the first anticipatory bail application in Crl.O.P.No16002 of 2017 was dismissed as against this petitioner and anticipatory bail was granted to the co-accused to Arul (A.2) vide Order dated 11.08.2017.

2. The learned counsel for the petitioner submitted that in the earlier order, it has been erroneously mentioned that there are two cases against the petitioner, Cr.Nos.19 of 2011 and 23 of 2017, but whereas, the two cases were registered in the year 2011 and not in the year 2017. That apart, in both the cases, the dispute was between two villages and therefore, 250 persons were shown as accused in those cases, in which, the petitioner has also been shown as one of the accused.

3. That apart, the learned counsel for the petitioner submitted that the petitioner has not been able to go for work and earn money even for paying school fees of his children. Taking into consideration of all aspects this Court is inclined to grant anticipatory bail to the petitioner.

4. 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, Thirukazhukundram on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 Magistrate concerned and on further condition that:

[a] the petitioner and 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 concerned Court at 10.30 a.m and report before the respondent police at 6.30 p.m every day for a period of four weeks.

[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 229-A IPC.

-sd/-
06/10/2017

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,
THIRUKAZHUKUNDRAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
THIRUKAZHUKUNDRAM POLICE STATION,
KANCHIPURAM DISTRICT.

+1CC to M/S.R.SASIKUMAR Advocate on payment of necessary
charges SR NO.18999

CRL OP.20707/2017

Date :06/10/2017

MK:06/10/2017