

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirty First day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.22264 of 2017

ANUMAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,
SOOLAGIRI POLICE STATION,
KRISHNAGIRI DISTRICT.
CR.NO.310 OF 2017.

For Petitioner : M/S.E.KANNADASAN 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 :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(b), 323 and 506(i) of IPC in Crime.No.310 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. This is the second anticipatory bail application and the first anticipatory bail application in Soolagiri Police Station in Cr.310/2017 was dismissed by this court in Crl.O.P.No.15995/2017 on 10.08.2017 on the ground that Anuman, the petitioner herein has been arrested by the police.

3. However, learned counsel for the petitioner/Anuman submitted that Anuman was arrested by the Soolagiri Police in Cr.No.333/2017 on 11.08.2017 and he was granted bail by the learned Judicial Magistrate No.I, Hosur in Crl.MP.No.1264/2017 on 19.08.2017.

4. Learned Government Advocate (Crl.Side) submitted that Anuman was not arrested in Cr.No.310/2017 and it was inadvertently represented earlier that he was so arrested.

5. Taking into consideration the nature of the allegation in the FIR against Anuman in Cr.No.310/2017 and also taking into consideration the fact that the co - accused named, Sampath has been granted anticipatory bail by this court, this court is inclined to grant anticipatory bail to the petitioner Anuman.

6. In such view of the above matter, this Court is of the view that custodial interrogation may not be required in a case of this nature. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 No.II, Hosur, on condition that the petitioner 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 Magistrate concerned and on further condition that:

[a] the petitioner and 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 report before the Judicial Magistrate No.II, Hosur daily at 10.30 a.m., and before the respondent police daily at 6.30 p.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

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

-sd/-
31/10/2017

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,
NO.II, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SOOLAGIRI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1CC to M/S.E.KANNADASAN Advocate on payment of necessary
charges SR NO.20126

CRL OP.22264/2017

Date :31/10/2017

MK:02/11/2017