

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.24226 of 2017

D.SAMPATH

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.827 OF 2017.

[RESPONDENT]

For Petitioner : M/S.V.V.SAIRAM Advocate

For Respondent : MR.K. MADHAN, Government 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 the alleged offences punishable under Sections 448, 294(b), 332, 186 and 506(ii) in Crime No.827 of 2017 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3.It is the second anticipatory bail application and the first anticipatory bail application in Crl.O.P.No.14931 of 2017 has been dismissed by this Court on 28.07.2017.

4. The learned counsel for the petitioner submitted that though there are three cases against the petitioner, he was arrested in all the cases and released on bail. The learned counsel also submitted that all the three cases related to family dispute between the petitioner and his brother and the offences are under Section 506(ii) IPC.

5. The learned Additional Public Prosecutor submitted that details of the four cases are:

(i) Crime No.1449 of 2013 under Section 294 (b), 324, 506 (ii) IPC.

(ii) Crime No.13 of 2014 under Section 294(b), 506(i), 109 IPC.

(iii) Crime No.173 of 2013 under Section 294(b), 323, 506(i) Ipc.

(iv) Crime No.12 of 2014 under Section 147, 148, 506(ii) IPC r/w 3(1) of TNPPDL Act and 109 IPC.
He further submitted that in all the four cases, the petitioner was arrested and released on bail.

6. It is the case of the defacto complainant that the petitioner is the landlord of the premises and had given the premises to the defacto complainant for running a tasmac shop. It is alleged by the defacto complainant that the petitioner was demanding mamool but whereas it is the case of the petitioner that the defacto complainant has not been giving rents properly. In such view of the matter, 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, Kancheepuram, 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 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 learned Judicial Magistrate No.II Kancheepuram, daily at 10.30 a.m and before the respondent police daily at 6.30 p.m. for a period of four weeks and thereafter, as and when required for interrogation.

[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/-

15/11/2017

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, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REPRESENTED BY
INSPECTOR OF POLICE, KANCHI TALUK POLICE
STATION, KANCHEEPURAM DISTRICT.
CR.NO.827 OF 2017.

+1CC to M/S.V.V.SAIRAM Advocate on payment of necessary
charges SR.NO. 20955

CRL OP.24226/2017

Date :15/11/2017

EGR 20/11/2017