

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.24666 of 2017

P.MUGESH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
I.C.F. POLICE STATION,
CHENNAI. CR.NO.675 OF 2017.

[RESPONDENT]

For Petitioner : M/S.V.DEVENDHIRAN Advocate

For Respondent : MR. K.MADHAN, 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 the alleged offences punishable under Sections 323, 324, 341, 379 and 506(ii) of Indian Penal Code in Crime No.675 of 2017, seeks anticipatory bail.

2. This is the second anticipatory bail petition and the first anticipatory bail petition was dismissed by this Court in Crl.O.P.No.24666 of 2017 on 27.07.2017.

3.It is the case of the defacto complainant that her husband is a Yoga Master and that he did not return home on 22.06.2017 and she went in search of him. Later she learnt that he was assaulted by the accused herein.

4. The police have arrested the co-accused, namely Muthu and Sudalai. During interrogation of Muthu, it came to light that Muthu suspected Berlin (husband of the defacto complainant) was having an affair with his wife Pavithra and therefore, he and other accused had assaulted Berlin. Mugesh, the petitioner herein, is the brother of Muthu and is aged about 22 years. There is no previous case against the petitioner. That apart, the injured has also been discharged from the hospital and the co-accused have also been released on bail.

4. In such view of the matter, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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 V Metropolitan Magistrate, Allikulam, Chennai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, out of whom, one shall be a blood related surety, 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 report before the trial Court daily at 10.30 a.m and report before the respondent police every day at 6.30 p.m for a period of four weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall co-operate with the trial Court and cross-examine the witnesses on the day they are examined in-chief as directed by the Supreme Court in **Vinoth Kumar Vs. State of Punjab [2015 (1) MLJ (crl) 288]**. If the accused adopts any dilatory tactics, it is open to the trial Court to remand him to custody in terms of the law laid down by the Supreme Court in **State of Uttar Pradesh V. Shambunath Singh [JT 2001 (4) SC 319]**.

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

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

[f] 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
20/11/2017

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 METROPOLITAN MAGISTRATE,
NO.V, ALLIKULAM, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
I.C.F. POLICE STATION, CHENNAI

+1 CC to M/S.V.DEVENDHIRAN Advocate on payment of necessary
charges-Sr.21283

CRL OP.24666/2017

Date :20/11/2017

ths : 22.11.2017