

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of December Two Thousand

Seventeen

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.29627 of 2017

AJITH @ MANIKANDAN,

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

INSPECTOR OF POLICE,

TIRUPPUR NORTH POLICE STATION,

TIRUPPUR DISTRICT.

CR.NO.1374 OF 2017.

For Petitioner : M/S.J.FRANKLIN Advocate

For Respondent : MR.R. SEKAR, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Heard both sides.

2. The petitioner is arrayed as A3 in Crime No.1374/2017 on the file of the respondent police. He apprehend arrest at the hands of the respondent police for the alleged offences u/s.147, 294(b), 323, 324, and 307 IPC and he has filed this petition, seeking grant of anticipatory bail.

3. The case of the prosecution is that on 11.12.2017, the petitioner along with the other accused went to the cinema theatre to see a movie and were creating commotion by making noise and causing disturbance to the other audience and when the said act of the accused was questioned by the defacto

complainant and his friend Mahendran, the accused attacked them indiscriminately and caused injuries on them and resulting in the registration of the case.

4. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case, he has not committed any offence as alleged, he is in no way connected with the offences, and pleads for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate submitted that investigation is not yet completed. According to him, the injured was discharged from hospital.

6. Considering the submissions of both sides, it seems that the occurrence was happened due to the wordy quarrel between the petitioner and the defacto complainant. However, the learned Government Advocate represented that the person who sustained injuries during the time of occurrence was discharged from the hospital after completing treatment.

7. Taking all the above said aspects into consideration, and having regard to the nature of offence, this Court come to the conclusion that in order to complete investigation, custodial interrogation is not necessary, accordingly this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(i) The petitioner is granted anticipatory bail in the event of his arrest or on his surrender before Judicial Magistrate, No.1, Tiruppur, on or before 11-01-2018, failing which the petition shall stand dismissed automatically.

(ii) On such arrest or surrender, the petitioner is ordered to be enlarged on bail on his executing a bond for Rs.10,000/- with two sureties for a like sum each to the satisfaction of the Judicial Magistrate, No.1, Tiruppur.

(iii) The petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of two weeks.

(iv) The petitioner shall make himself available for interrogation as and when required by the investigation officer.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled, and 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].

-sd/-

28/12/2017

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.I, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP.BY
INSPECTOR OF POLICE, TIRUPPUR NORTH POLICE
STATION, TIRUPPUR DISTRICT.CR.NO.1374 OF
2017.

+1 CC to M/S.J.FRANKLIN Advocate on payment of necessary
charges Sr.No.23411

CRL OP.29627/2017

Date :28/12/2017

MD: 29/12/2017