

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.13912 of 2018

1 MANNU @ MANI,
2 VELU,
3 RAMESH,
4 KARTHI,

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY,
INSPECTOR OF POLICE,
KATPADI POLICE STATION,
KATPADI, VELLORE DISTRICT.
CR.NO.194 OF 2018.

[RESPONDENT]

For Petitioner : M/S.T.SARAVANAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 324, 427 and 506(i) of IPC, in Crime No.194 of 2018, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Manoharan is that due to the land dispute, there was a quarrel and the petitioners have assaulted him and abused him with filthy language.

3. The learned counsel for the petitioners would submit that there was a civil dispute pending between the parties and a case in O.S.No.164 of 2018 pending before the Sub Court, Vellore and that a subsequent suit was also been filed by the *defacto* complainant before the District Munsif Court, Katpadi, in O.S.No.46 of 2018 and the same has been posted on 16.06.2018. He would submit that due to civil dispute, a false complaint has been given against them.

4. The learned Additional Public Prosecutor submitted that during a quarrel, the petitioners have assaulted the *defacto* complainant. He would further submit that the injured has been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Katpadi, Vellore District, on condition that each of 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 said Magistrate, on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30. a.m until further orders.

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

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
07/06/2018

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,
KATPADI, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KATPADI POLICE STATION,
KATPADI, VELLORE DISTRICT.

CC to M/S.T.SARAVANAN Advocate on payment of necessary charges

CRL OP.13912/2018

Date :07/06/2018

ths : 14.06.2018