

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N.SATHISH KUMAR

CRIMINAL ORIGINAL PETITION No.12057 of 2018

N.PRABU

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE

[RESPONDENT]

M-8, SANTHAGADU POLICE STATION,

CHENNAI,

CR.NO.235 OF 2018.

For Petitioner : M/S.C.V.KUMAR Advocate

For Respondent : MR. M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

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 u/s.341, 294 [b], 324, 506[i] of IPC in Crime No.235/2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioner assaulted the defacto complainant as he was having illicit intimacy with the petitioner's wife.

3. The learned Additional Public Prosecutor further submitted that the injured has been discharged from the hospital and that there is no previous case against the petitioner.

4. Taking into consideration the nature of allegations against the petitioner in the FIR and the fact that the injured has been discharged from the hospital, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner 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, Tiruvotriyur, 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 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 shall report before respondent police daily at 6.30 p.m for a period of two weeks and thereafter, as and when required for interrogation.

[b] 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/05/2018

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,
TIRUVOTRIYUR, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
M-8, SANTHAGADU POLICE STATION,
CHENNAI,

+1 CC to M/S.C.V.KUMAR Advocate on payment of necessary charges
SR.NO. 9616

CRL OP.12057/2018

Date :30/05/2018

RD 31/05/2018