IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.13053 of 2018

SURESH [PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
VALAPADY POLICE STATION,
SALEM DISTRICT
CR.NO.369 OF 2016.

For Petitioner : M/S.S.PARAMESWARAN Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/accused no.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 341, 323, 324, 506(i), 379 of IPC in Crime No.369 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner attacked the defacto complainant and taken away his vehicle/bike, which has resulted in registration of this case.

3.The learned counsel for the petitioner submitted that false case has been registered against the petitioner herein. He has further submitted that Accused Nos.1 to 3 were arrested and the property i.e., Bike has been recovered and hence, he has requested for grant of anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that already Accused Nos.1 to 3 were arrested and the bike of the defacto complainant was recovered and she has fairly conceded that no one has sustained any injury.

5.Taking into consideration the fact that already Accused No.1 to 3 were arrested and bike of the defacto complainant was recovered and also the fact that no one has sustained any injury, this Court is inclined to grant anticipatory bail with certain conditions.

6. 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, Valapady 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].**

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
23/05/2018

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,
VALAPADY.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALAPADY POLICE STATION,
SALEM DISTRICT

+1CC to M/S.S.PARAMESWARAN Advocate on payment of necessary charges SR NO.9407

CRL OP.13053/2018

Date :23/05/2018

MK:25/05/2018