

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL ORIGINAL PETITION No.13165 of 2018

1 SUDHAKAR [PETITIONERS / ACCUSED]
2 ARJUNAN @ AJITH
3 VELUMSAMY
4 VELKUMAR

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
HARUR POLICE STATION,
DHARMAPURI DISTRICT
CR.NO.221 OF 2018.

For Petitioner : M/S.C.PRABAKARAN Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 147, 148, 341, 294(b), 323, 324, and 506(ii) of IPC **[*]@ into 147, 148, 341, 294(b), 323, 324 & 307 of IPC** in Crime No.221 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that due to previous enmity, in a temple festival, the petitioner along with other accused had assaulted the defacto complainant with the iron rod and wooden logs and caused injury.

4. The learned counsel for the petitioner submitted that the petitioners are no way connected with the offence and he has been falsely implicated in this case. and hence, the petitioners may be granted anticipatory bail.

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

6. Taking into consideration the nature of allegations against the petitioners and that the injured has been discharged from the hospital and the fact that there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. (i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Harur, Dharmapuri District within a period of 15 days from the date of receipt of a copy of this order, on his executing 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

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

[b] The petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

[d] the petitioner shall not tamper with evidence or witness 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
09/05/2018

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.

[*]Being Mentioned and Time granted by this Court to comply with the conditions, vide order dated 09.05.2018 passed in CrI.O.P.No.13165 of 2018, is extended by two weeks from the date of receipt of a copy of this order as per order of this Court dated 23/05/2018 by The Hon`ble Mr Justice P. RAJAMANICKAM

TO

1 THE JUDICIAL MAGISTRATE,
HARUR, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
HARUR POLICE STATION,
DHARMAPURI DISTRICT

+1CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges SR NO.9365

CRL OP.13165/2018

Date :09/05/2018

MK:10/05/2018

MK:24/05/2018