

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.13312 of 2018

1 R.SIVARAJAPRASAD,
2 T.SIVARANJANI,

[PETITIONERS / ACCUSED]

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
V-7, NOLAMBOR POLICE STATION,
CHENNAI - 600 037.
CR.NO.252/2018

[RESPONDENT]

For Petitioner : M/S.N.UDAYA KUMAR 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 451, 294(b), 323 and 506(i) of IPC, 1860, in Crime No.252 of 2018, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Kasthuri is that the petitioners were tenants under her and due to a quarrel, they had abused her with filthy language and assaulted her.

3. The learned counsel for the petitioners would submit that the petitioners were tenants under the *defacto* complainant and that there was a tenancy dispute, due to which, a false complaint has been given against them as if they assaulted her. Therefore, they may be granted anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioners, who are tenants, abused the *defacto* complainant, who is the house owner and also assaulted her. He would further submit that the injured has been discharged from the hospital.

6. Taking into consideration the facts of the case and the submissions made by the counsel on either side, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. 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, Ambattur, Chennai, 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 first petitioner shall report before the respondent police daily at 10.30 a.m until further orders and the second petitioner shall report before the respondent police daily at 10.30.a.m., for a period of one week and thereafter, as and when required for interrogation.

[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/-
06/06/2018

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,
AMBATTUR, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
V-7, NOLAMBOR POLICE STATION,
CHENNAI - 600 037.

+1 CC to M/S.N.UDAYA KUMAR Advocate on payment of necessary
charges-Sr.10083

CRL OP.13312/2018

Date :06/06/2018

ths : 11.06.2018