

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.13472 of 2018

SHATHIK BASHA,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
KOMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.
CR.NO.222 OF 2018

[RESPONDENT]

For Petitioner : M/S.V.B.PERUMAL RAJ Advocate

For Respondent : MRS.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/accused no.11, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 341, 353 and 506 (i) of IPC in Crime No.222 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has instigated accused nos.1 to 10 to threaten the officials, which has resulted in registration of this case.

3.The learned counsel appearing for the petitioner has submitted that as per the First Information Report that at the instigation of the petitioner herein, Accused Nos.1 to 10 were threatened the officials to put in instant fear of death and uttered abusive words against the Municipal Commissioner and other officials and he further submitted that Accused Nos.1 and 2 were arrested and still they are in judicial custody and further submitted that this Court has granted anticipatory bail to the Accused Nos.3 to 10 in CrI.O.P.No.12700 of 2018 dated 09.05.2018. He further submitted that the petitioner has been falsely implicated in the above case and hence, he has requested to grant anticipatory bail to the petitioner with certain conditions.

4.The learned Additional Public Prosecutor appearing for the respondent has fairly conceded that already Accused Nos.1 and 2 were arrested and they are in judicial custody. She further submitted that this Court has granted anticipatory bail to the Accused Nos.3 to 10.

However she opposed for anticipatory bail to these petitioners.

5. Taking into consideration that the Accused Nos.1 and 2 were arrested and still they are in judicial custody and also the fact that already this Court has granted anticipatory bail to the Accused Nos.3 to 10, this Court is inclined to grant anticipatory bail by imposing 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, Tiruchengode 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,
TIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

+2 CC to M/S.V.B.PERUMAL RAJ Advocate on payment of necessary
charges-Sr.9404

CRL OP.13472/2018

Date :23/05/2018

ths : 28.05.2018