

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.13543 of 2018

SENTHIL@SENTHILKUMAR,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,
THE STATION HOUSE OFFICER,
THIRUVALLUR TOWN POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.NOT KNOWN OF 2018.

[RESPONDENT]

For Petitioner : M/S.R.BALAKRISHNAN Advocate

For Respondent : MR. T.P. SAVITHA, Govt. Advocate (Cr1. Side)

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 offences punishable under Sections 294 (b), 323 and 506(ii) IPC in Crime No.Not Known of 2018, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel for the petitioner has submitted that due to wordy quarrel, the defacto complainant has lodged a false complaint against the petitioner. He further submitted that the respondent without registering a case, compelling the petitioner to appear before him and hence, the petitioner is having apprehension that he may be arrested on his appearance before the respondent police and therefore, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent fairly conceded that the defacto complainant has lodged a complaint on 08.04.2018 stating that the petitioner herein borrowed some amount from the defacto complainant and when the defacto complainant demanded to make payment, the petitioner criminally intimidated the defacto complainant and also attacked with knife and hence, summons were issued to the petitioner, but the petitioner did not appear.

5. Even though the complaint was received on 08.04.2018, so far the respondent has not registered a case. If the complaint discloses any cognizable offence, the respondent police has to register a case. In case, the complaint does not disclose any cognizable offence, then the respondent police can enquire the complainant and thereafter, if he comes to the conclusion that any cognizable offence is made out, then the respondent police has to register a case. But the respondent police has not followed the said procedure. It also appears that the defacto complainant was not sent for any medical treatment.

5. Taking into consideration the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioner 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 I, Thiruvallur, 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 co-operate with the respondent police for enquiry.

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

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

(vi) 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]**.

(vii) 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,
NO.I, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
THIRUVALLUR TOWN POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.R.BALAKRISHNAN Advocate on payment of
necessary charges SR.NO.9372

CRL OP.13543/2018

Date :23/05/2018

TA-24/05/2018