

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.13651 of 2018

1 S.S.ALAM

[ PETITIONERS / ACCUSED ]

2 GOLAKH CHANDRA PARIDA

Vs

STATE REP.BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
C-2, ELEPHANT GATE POLICE STATION,  
CHENNAI.

CR.NO.272/2018

For Petitioner : M/S.P.VISHNU Advocate

For Respondent : MR.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

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 Section 294(b), 323 and 506(i) IPC in Crime No.272 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel between the defacto complainant/house owner and the petitioners/tenant, a case has been registered against the petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are Tenants under the defacto complainant. A counter case has been registered against the defacto complainant. He further submitted that injured sustained only simple injury and he was already discharged from the hospital.

4.The learned Additional Public Prosecutor appearing for the respondent has fairly conceded that the counter case has been registered and the injured was already discharged from the hospital.

5.Taking into consideration the fact that counter case has been registered against the defacto complainant and also the fact that the injured sustained only a simple injury and he was already discharged from the hospital, this Court is inclined to grant anticipatory bail by imposing certain conditions.

6. 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 VII Metropolitan Magistrate, George Town, Chennai 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 METROPOLITAN MAGISTRATE,  
NO.VII, GEORGE TOWN, CHENNAI

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
C-2, ELEPHANT GATE POLICE STATION,  
CHENNAI.

+1 CC to M/S.P.VISHNU Advocate on payment of necessary charges  
SR.NO. 9415

CRL OP.13651/2018

Date :23/05/2018

RD 28/05/2018