

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.13676 of 2018

MURUGESAN @ BALAMURUGAN

[ PETITIONER / ACCUSED ]

Vs

THE STATE REP.BY ITS

[ RESPONDENT ]

INSPECTOR OF POLICE,

S7, MADIPAKKAM POLICE STATION,

CHENNAI-91.

CR.NO.165/2018

For Petitioner : M/S.P.RAMIAH 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 Sections 294(b), 506(i) of IPC in Crime No.165 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a car driver, who drove the car to the alleged place of occurrence, which resulted in registration of case against the petitioner.

3.The learned counsel for the petitioner submitted that false case has been registered against the petitioner herein. He has further submitted that Accused Nos.1 & 2 were granted anticipatory bail by this Court in CrI.O.P.No.10904 of 2018 dated 16.04.2018 and hence, he has requested to grant anticipatory bail to the petitioner also.

4.The learned Additional Public Prosecutor appearing for the respondent has fairly conceded that no one has sustained any injury and also that this Court has already granted anticipatory bail to the Accused Nos.1& 2.

5.Taking into consideration the fact that already this Court has granted anticipatory bail to the Accused Nos.1 & 2 and also the fact that no one has sustained any injury, 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 Court at Alandur, Chennai - 16 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 petitioners 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,  
COURT AT ALANDUR, CHENNAI-16

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
S7, MADIPAKKAM POLICE STATION,  
CHENNAI-91.

CC to M/S.P.RAMAI AH Advocate on payment of necessary charges

CRL OP.13676/2018

Date :23/05/2018

RD 28/05/2018