IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.13705 of 2018

SURENDER @ MARIYA SURENDIRAN [PETITIONER / ACCUSED]

Vs

STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
THIRUNALLAR POLICE STATION,
KARAIKAL DISTRICT.
CR.NO.41/2018

For Petitioner : M/.S.SWAMI SUBRAMANI Advocate

For Respondent : MR. BHARATH CHAKRAVARTHY, PUBLIC PROSECUTOR,
(PONDICHERRY)

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 323, 324 and 506 (ii) r/w 34 of I.P.C in Crime No.41 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with his friends attacked the defacto complainant.

3. The learned counsel for the petitioner has submitted that due to wordy quarrel, the respondent has foisted a false case against the petitioner and 3 others. He has further submitted that the injured sustained only simple injuries and he has been already discharged from the hospital. He further submitted that A2 & A3 were already arrested and released on bail and hence, he prayed to grant Anticipatory Bail to the petitioner/A1.

4. The learned Public Prosecutor (Puducherry) appearing for the respondent has submitted that totally four accused are involved in the above case. He further submitted that the injured has taken treatment as in-patient for five days. He has further submitted that already two cases are pending against the petitioner under Sections 294-B and 323 of IPC and hence, he strongly opposed this petition.

5. Taking into consideration the fact that the injured sustained only simple injury and he has been discharged from the hospital after taking treatment and also considering the fact that the two accused persons were already arrested and released on bail and that the two previous cases, which are pending against the petitioner herein are relating to bailable offences, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

6. Accordingly, the petitioner is 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 II, Karaikal, on condition that 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 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/-
16/05/2018

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.II, KARAIKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PONDICHERRY.

4 THE INSPECTOR OF POLICE,
THIRUNALLAR POLICE STATION,
KARAIKAL DISTRICT.

+1 CC to M/.S.SWAMI SUBRAMANI Advocate on payment of necessary charges-Sr.9276

+1 THE PUBLIC PROSECUTOR, PONDICHERRY -SR.9296

CRL OP.13705/2018

Date :16/05/2018

THS : 17.05.2018