

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.13779 of 2018

1 JAYACHANDHRA PANDIYAN,	[PETITIONERS / ACCUSED]
2 VIVEK,	
3 SILAMBARASAN,	
4 SASIKUMAR,	
5 VEERAMANI,	

Vs

STATE REP. BY,	[RESPONDENT]
THE INSPECTOR OF POLICE,	
UTHANGARAI POLICE STATION,	
KRISHNAGIRI DISTRICT.	
CR.NO.202 OF 2018.	

For Petitioner : M/S.K.THIRUVENGADAM Advocate

For Respondent : MR. M.PRABHAVATHI, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324 and 506(ii) IPC in Crime No.202 of 2018, seek anticipatory bail.

2. The case of the prosecution is that due to land dispute, the petitioners herein and along with two others assaulted the defacto complainant and caused injuries.

3.The learned counsel for the petitioners submitted that due to land dispute, a false case has been foisted against the petitioners. He further submitted that a counter case has also been registered. It is his further submission that the defacto complainant has sustained only simple injuries and he has already been discharged from the hospital and hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent fairly conceded that the defacto complainant has sustained only simple injuries and he has already been discharged

from the hospital. He would further submit that a counter case is pending.

5. Taking into consideration the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners with 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 Judicial Magistrate, Uthangarai, on condition that the petitioners 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 petitioners fail 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 petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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,
UTHANGARAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UTHANGARAI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 CC to M/S.K.THIRUVENGADAM Advocate on payment of necessary
charges SR.NO.9371

CRL OP.13779/2018

Date :23/05/2018

TA-24/05/2018