

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.13795 of 2018

1 R.SURESH, [PETITIONERS / ACCUSED]
2 E.NAGARAJ,

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
T-2, AMBATTUR ESTATE POLICE STATION,
CHENNAI.
CR.NO.298/2018

For Petitioner : M/S.G.MOHANAKRISHNAN Advocate

For Respondent : MR. M.PRABHAVATHI, Add. 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, 294(b), 342I, 324 and 506(ii) IPC in Crime No.298 of 2018, seek anticipatory bail.

2. The case of the prosecution is that due to wordy quarrel, these petitioners attacked the defacto complainant and caused injuries resulting in the registration of this case.

3.The learned counsel for the petitioners submitted that the petitioners have been arrayed as Accused No.10 and 12. He further submitted that due to wordy quarrel, a false case has been foisted against the petitioners herein. It is his further submission that the defacto complainant has sustained simple injuries and has already been discharged from the hospital. He further submitted that anticipatory bail was granted to Accused No.5 by this Court in Crl OP No.12049 of 2018. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor has fairly conceded that the defacto complainant sustained only simple injuries and discharged from hospital. She further submitted that Accused Nos.3,6,7,8, 9 and 11 were already arrested and

released on bail by the Trial Court. She also fairly conceded that A5 was granted Anticipatory bail by this Court.

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, Ambattur 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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-2, AMBATTUR ESTATE POLICE STATION,
CHENNAI.

+1 CC to M/S.G.MOHANAKRISHNAN Advocate on payment of
necessary charges SR.NO.9366

CRL OP.13795/2018

Date :23/05/2018

TA-24/05/2018