

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice S. RAMATHILAGAM
CRIMINAL ORIGINAL PETITION No.13900 of 2018

MAHAKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE BY,
INSPECTOR OF POLICE,
KEELAIYUR POLICE STATION,
NAGAPATINAM DISTRICTT.
CR.NO.47 OF 2018.

[RESPONDENT]

For Petitioner : M/S.P.S.KOTHANDARAMAN Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 324, 341, 506(ii) and 307 of IPC in Crime No.47 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioner/accused attempted to murder the defacto complainant and also scolded the defacto complainant by using filthy language and criminally intimidated him.

4. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence. Hence, the petitioner may be granted anticipatory bail.

5. The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital.

6. Taking into consideration of the fact that the injured has been discharged from the hospital and that there is no previous case as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. (i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned District and Sessions Judge, Nagapattinam, within a period of 15 days from the date of receipt of a copy of this order, on their executing a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the learned District and Sessions Judge, Nagapattinam, daily at 10.30 a.m for a period of two weeks and thereafter, as and when required before the respondent police for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
27/06/2018

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 DISTRICT AND SESSIONS
JUDGE, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KEELAIYUR POLICE STATION,
NAGAPATTINAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.S.KOTHANDARAMAN Advocate on payment of necessary
charges in SR.NO. 11749

CRL OP.13900/2018

Date :27/06/2018

MLT-02/07/2018