

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.14355 of 2018

1 RAMU
2 MAHENDRAN
3 MURALI
4 AJITH
5 NAVEEN
6 PASUPATHY
7 KUMAR

[PETITIONERS / ACCUSED]

Vs

STARTE REPRESENTED BY
THE INSPECTOR OF POLICE,
GUMMIDIPOONDI POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.247 OF 2018.

[RESPONDENT]

For Petitioner : M/S.M.KRISHNAMOORTHY 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 petitioners, who apprehend arrest for the alleged offence under Sections 147, 148, 341, 294(b), 324 and 506(ii) of IPC in Crime No.247 of 2018 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that due to previous enmity, the petitioners along with the other accused picked up a wordy quarrel with the son of the defacto-complainant and his friends and abused him in filthy language and assaulted him with wooden sticks and iron bar, thereby caused injuries.

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

5. The learned Additional Public Prosecutor submitted that out of three injured persons, two were discharged from the hospital and

one injured person is still taking treatment in the hospital. He would further submit 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 petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. (i) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-I, Ponneri, 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 petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the learned Judicial Magistrate-I, Ponneri, 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 petitioners shall not abscond either during investigation or trial.

[d] the petitioners 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 JUDICIAL MAGISTRATE,
NO.I, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
GUMMIDIPOONDI POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.KRISHNAMOORTHY Advocate on payment of necessary
charges in SR.NO. 11751

CRL OP.14355/2018

Date :27/06/2018

MLT-02/07/2018