

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.14801 of 2018

M.ANBUSELVAN

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,

[RESPONDENT]

THE INSPECTOR OF POLICE,

T-2, AMBATTUR ESTATE POLICE STATION,

AMBATTUR INDUSTRIAL

ESTATE, CHENNAI 600058.

For Petitioner : M/S.A.MANIKANDAN Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.478 of 2018 registered by the respondent police for the offence punishable under Sections 294(b), 324 and 506(i) of IPC.

2. The case of the prosecution as per the *de facto* complainant Hemavathi is that her son Akash Swaroop, aged 15 years, is a student of Sri Venkateswara Matriculation School, ICF Colony, Chennai and that the petitioner along with other staff, had taken them to Goa for tournament and that since her son had gone late, he has reprimanded him and abused him with filthy language and also had assaulted her son with Cricket stump and also threatened not to inform to his parents.

3. The learned counsel for the petitioner would submit that the petitioner is a P.T.Master working in the school and that he had taken the *defacto* complainant's son along with other students for a match to Goa, where, her son without knowledge of the petitioner, went out for shopping and did not obey the directions of the petitioner and thereby, the petitioner had reprimanded him, whereas, the *defacto* complainant's son had falsely projected as if the petitioner assaulted him. He would submit that several other students have gone along with them and none of them made any complaint about the petitioner. Therefore, he may be granted anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the petitioner being the P.T.Master of the School, where the *defacto*

complainant's son is studying, taken the students to Goa, where he was assaulted by him. He would further submit that the injured has been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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 petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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 said Magistrate, on further condition that:

[a] if the petitioner failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m until further orders.

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

[d] the petitioner shall not abscond 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 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]**.

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

-sd/-

07/06/2018

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
THRIUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-2, AMBATTUR ESTATE POLICE STATION,
AMBATTUR INDUSTRIAL ESTATE,
CHENNAI 600058.

+1 CC to M/S.A.MANIKANDAN Advocate on payment of necessary
charges SR.NO. 10124

CRL OP.14801/2018

Date :07/06/2018

RD 13/06/2018