

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirteenth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL ORIGINAL PETITION No.14981 and 15035 of 2018

B.SUNEET KUMAR [PETITIONER / ACCUSED
IN CRL.OP.NO.14981/2018]

K.ANCHAL KUMAR @ RUTHRA [PETITIONER /ACCUSED
IN CRL.OP.NO.15035/2018]

Vs

1 STATE REP. BY, [RESPONDENT
INSPECTOR OF POLICE, IN BOTH THE PETITIONS]
B7,VELLAVEDU POLICE STATION,
THIRUVALLUR DISTRICT.
CR. NO. 189 OF 2018.

For Petitioner : M/S.D.ALEXIS SUDHAKAR Advocate
[IN BOTH THE PETITIONS]

For Respondent : MR. V.SARATHA DEVI Govt. Advocate

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

ORDER : The Court Made the following order :-

These applications have been filed by the petitioners to enlarge petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No.189 of 2018.

2. The learned counsel for the petitioner submitted that the petitioners are 4th year Engineering students, there was a simple wordy quarrel after a party celebration, which resulted to sudden provocation and turned into simple push and assault, leading to injury.

3. On a perusal of F.I.R, it is observed that the defacto complainant is the second year student, who was assaulted by the petitioners, on his refusal to get cigarette for them. It is also stated in the FIR that the accused A1 Rahul Yadav stabbed the complainant and the petitioners were accompanied A1 during the incident. It is observed that these petitioners are 4th year students and commanding the second year students, often and when they are not obeying the words of the petitioners, those persons would be taken to

task. Further the defacto complainant was assaulted by A1 and these two petitioners A2 and A3 also have beaten the complainant and his friends .

4. On perusal of A.R.Copy, it is observed that during the incident either knife or sharp edged type weapon was used for attacking the defacto complainant in the college premises. Both the defacto complainant and the petitioners belonged to different states and they were involved in such an incident in the college, which does not seem to be a fair one. This sort of attitude by the petitioners who are students should not be encouraged.

5. Further, from the arguments made by both sides, it is observed that A1, stabbed the friend of the complainant with a knife and he was also arrested and released on bail, the offence against these petitioners are that they accompanied A1 and also beaten the defacto complainant and others.

6. Considering the arguments advanced by the petitioner and respondents, these petitions are allowed and the petitioners shall be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the concerned Magistrate, on the following conditions:

(i) that the petitioners shall execute a bond for a sum of Rs.10,000/- each, (Rupees ten thousand only) 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 out of the said two sureties, one shall be a Government Servant belong to their States.

(ii) the petitioners are directed to report before the respondent police daily at 10.30a.m and also at 5.00 p.m at Judicial Magistrate II, Poonamalliee until further orders.

(iii) the petitioners shall not abscond either during investigation or trial.

(iv) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted shall stand dismissed and 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 are 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]*.

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A of IPC.

-sd/-

13/06/2018

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.II, PONAMALLIEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLAVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

+2 CC to M/S.D.ALEXIS SUDHAKAR Advocate on payment of necessary charges SR.NOS.10542,10543

CRL OP.14981 AND 15035/2018

Date :13/06/2018

RD 19/06/2018