

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Twelfth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15130 of 2018

ASHOK

[ PETITIONER / ACCUSED ]

Vs

THE INSPECTOR OF POLICE

[ RESPONDENT ]

E1, MYLAPORE POLICE STATION,  
CHENNAI, CR.NO.335 OF 2018.

For Petitioner : M/S.S.MANIKANDAN Advocate

For Respondent : 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.335 of 2018 registered by the respondent police for the offence under Sections 341, 353, 294(b), 323 of IPC.

2. The case of the prosecution as per the *defacto* complainant Dilibabu, who is working as a Government Bus driver is that the petitioner in an inebriated condition, abused him with filthy language and assaulted him.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that there was a quarrel between the petitioner and the *defacto* complainant since the *defacto* complainant drove the bus in a rash and negligent manner and attempted to hit his two wheeler.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner in an inebriated condition abused the *defacto* complainant, who is the driver of the Government bus and assaulted him. He would further submit that there is no previous case against the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the counsels, 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 XVIII Metropolitan Magistrate, Saidapet, 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/-  
12/06/2018

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 XVIII METROPOLITAN  
MAGISTRATE, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN  
MAGISTRATE, EGMORE, CHENNAI.  
[FOR INFORMATION]

3 THE INSPECTOR OF POLICE  
E1, MYLAPORE POLICE STATION,  
CHENNAI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1CC to M/S.S.MANIKANDAN Advocate on payment of necessary  
charges in SR.NO. 10479

CRL OP.15130/2018

Date :12/06/2018

MLT-19/06/2018