

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.15172 of 2018

D.VELU

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE

[RESPONDENT]

R-4, PONDY BAZAAR POLICE STATION,
CHENNAI-17, CR.NO.117 OF 2018.

For Petitioner : M/S.M.DURAIMURUGAN Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL 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.117 of 2018 registered by the respondent police for the offence under Sections 341, 323, 294(b) and 506(i) of IPC.

2. The case of the prosecution as per the *defacto* complainant Murugu Chezhan is that due to a Trade Union rivalry, the petitioner along with one Sivaprakasam assaulted the *defacto* complainant and also spilled hot tea on his face.

3. The learned counsel for the petitioner would submit that due to a Trade Union rivalry in a Trade Union, the petitioner has been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with the other accused abused and assaulted the *defacto* complainant and also spilled hot tea on the face of the *defacto* complainant. He would further submit that in the event of anticipatory bail being granted, the petitioner may be directed to stay away from Chennai.

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 XVII Metropolitan Magistrate, Saidapet, Chennai-15, 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 stay at Trichy and report before the Palakarai police station daily at 10.30.a.m for a period of two weeks and thereafter, as and when required for interrogation;

[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 XVII METROPOLITAN
MAGISTRATE, SAIDAPET, CHENNAI-15.

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

3 THE INSPECTOR OF POLICE
R-4, PONDY BAZAAR POLICE STATION,
CHENNAI-17.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
PALAKARAI POLICE STATION,
TRICHY.

+1CC to M/S.M.DURAIMURUGAN Advocate on payment of necessary
charges in SR.NO. 10506

CRL OP.15172/2018

Date :12/06/2018

MLT-19/06/2018