

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirteenth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15296 of 2018

1 DHANAMOORTHY [PETITIONERS / ACCUSED]
2 JANAKIRAMAN
3 SIVAKUMAR
4 VETRIVEL

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
PODHATURPET POLICE STATION,
PODHATURPET, TIRUVALLUR DISTRICT,
CR.NO.133 OF 2018.

For Petitioner : M/S.M.V.DEENADAYALAN 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 petitioners seek anticipatory bail in Crime No.133 of 2018 registered by the respondent police for the offence under Section 147, 148, 323, 324 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

2. The case of the prosecution as per the defacto complainant is that due to previous enmity, the petitioners abused the defacto complainant with filthy language and assaulted with hands.

3. The learned counsel for the petitioners would submit that due to previous enmity, a false case has been registered against the petitioners. He would submit that arrested accused has been released on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners assaulted the defacto complainant with hands and that the injured has been discharged from the hospital. He would further submit that the arrested accused in this case has been released on bail.

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 petitioners subject to

the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Pallipattu, Thiruvallur District, on condition that each of 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30.a.m until further orders;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 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 abscond, a fresh FIR can be registered under Section 229-A 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,
PALLIPATTU, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
PODHATURPET POLICE STATION,
PODHATURPET,
TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.V.DEENADAYALAN Advocate on payment of necessary
charges in SR.NO. 10636

CRL OP.15296/2018

Date :13/06/2018

MLT-20/06/2018