

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourteenth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15320 of 2018

1 THEEPULA,
2 RANJITH,

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
VALAVANUR POLICE STATION,
VILLUPURAM DISTRICT.
CR.NO.344 OF 2018

[RESPONDENT]

For Petitioner : M/S.T.ELUMALAI 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 petitioners seek anticipatory bail in Crime No.344 of 2018 registered by the respondent police for the offence under Section 147, 294(b), 323, 353, 506(i) and 307 of IPC.

2. The case of the prosecution as per the defacto complainant Palanisamy is that he is working as police constable and that when he had gone to search of the second petitioner herein, who is involved in earlier case, the petitioners along with other accused joined together abused the defacto complainant with filthy language and threatened him with dire consequences and also prevented him from discharging his duty.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners assaulted the defacto complainant, who is a police man, who had gone to secure the second petitioner herein against whom there was a case pending.

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 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-II, Villupuram, 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 and 5.30.p.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/-
14/06/2018

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, VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALAVANUR POLICE STATION,
VILLUPURAM DISTRICT.

+1 CC to M/S.T.ELUMALAI Advocate on payment of necessary charges-
Sr.10763

CRL OP.15320/2018

Date :14/06/2018

ths : 20.06.2018