

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.15409 of 2018

K.SAMPATH

[ PETITIONER / ACCUSED ]

Vs

THE INSPECTOR OF POLICE,  
JOLARPETTAI POLICE STATION,  
JOLARPETTAI, TIRUPATTUR TALUK,  
VELLORE.  
CR.NO.104 OF 2018

[ RESPONDENT ]

For Petitioner : M/S.G.MANIPRABHU 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 petitioner seeks anticipatory bail in Crime No.104 of 2018 registered by the respondent police for the offence under Section 174 (iii) Cr.P.C., and later altered to 147, 294(b), 323 and 302 of IPC.

2. The petitioner is arrayed as A3. The case of the prosecution as per the defacto complainant is that the deceased, in an inebriated condition, attempted to trespass into the house of the grandmother of A1 on 14.04.2018 and thereby, the villagers, suspecting him to be thief, had assaulted him, due to which, he sustained injuries and later he succumbed to the injuries.

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.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the victim, in an inebriated condition, attempted to trespass into the house of the grandmother of A1 and that the villagers suspecting him to be a thief, assaulted him, due to which, he succumbed to the injuries.

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 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 Judicial Magistrate-I, Tirupattur, Vellore District, 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 and 5.30.p.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/-  
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.I, TIRUPATTUR

2 THE CHIEF JUDICIAL MAGISTRATE  
VELLORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
JOLARPETTAI POLICE STATION,  
JOLARPETTAI,  
TIRUPATTUR TALUK,  
VELLORE.

+1 CC to M/S.G.MANIPRABHU Advocate on payment of necessary  
charges SR.NO. 10798

CRL OP.15409/2018

Date :14/06/2018

RD 20/06/2018