

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.15441 of 2018

DHAMOTHIRAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VALATHI POLICE STATION,
VALATHY, VILLUPURAM DISTRICT
CR.NO.148 OF 2018.

[RESPONDENT]

For Petitioner : M/S.D.ARUN 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.148 of 2018 registered by the respondent police for the offence under Sections 294(b), 323 of IPC r/w Section 3(1) of Tamil Nadu Prevention of Damage to Public Property Act.

2. The case of the prosecution as per the defacto complainant Senthilkumar is that due to previous enmity, the petitioner along with other accused abused him with filthy language and also assaulted him with stick. It is also alleged that the petitioner and other accused caused damage to the defacto complainant's car and the damage was assessed to Rs.1 lakh.

3. The learned counsel for the petitioner would submit that earlier the petitioner was granted anticipatory bail by order dated 24.04.2018 to the condition to surrender within a period of 15 days and as per the order, if he fails to surrender within a period of 15 days, the order shall stand automatically cancelled. He would further submit that due to his illness and poor financial status, he was unable to surrender within the time frame fixed by this Court and thereby, the earlier order was lapsed. He would submit that the petitioner did not have any intention to disobey the order. However, he would submit that the petitioner is prepared to comply with the earlier order passed by this court.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was earlier granted anticipatory bail and since he did not surrender within the time frame fixed by this Court, the earlier order has lapsed.

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 Judicial Magistrate, Cingee, Villupuram 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] before executing surety, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.148 of 2018 before the concerned Magistrate;

[c] the petitioner shall report before the respondent police daily at 10.30.a.m until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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]**.

[g] 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,
CINGEE, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALATHI POLICE STATION,
VALATHY, VILLUPURAM DISTRICT.

+1CC to M/S.D.ARUN Advocate on payment of necessary charges
SR NO.10855

CRL OP.15441/2018

Date :14/06/2018

MK:22/06/2018