

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15465 of 2018

S.PRAKASH

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
TIRUPPUR.

CR.NO.293 OF 2018.

For Petitioner : M/S.S.SUGENDRAN 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, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b), 323, 324, 506(ii) IPC r/w Section 3 of the TNPPDL Act in Crime No.293 of 2018 seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution as per the defacto complainant is that the petitioner abused the defacto complainant with filthy language and caused damage to the photo shop belonging to the defacto complainant.

4. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that without prejudice to his contention, the petitioner, to show his *bona fide*, is prepared to deposit a sum of Rs.10,000/- before the Magistrate.

5. The learned Additional Public Prosecutor would submit that the petitioner abused the defacto complainant with filthy language and caused damage to the defacto complainant's photo shop.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also the fact that the petitioner is prepared to deposit Rs.10,000/- without

prejudice to his contention, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Dharapuram, within a period of four weeks from the date of receipt of a copy of this order on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, each for a like sum to the satisfaction of the the said Magistrate, on further condition that:

[a] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.293 of 2018 before the said Court before executing the bond.

[b] The final order in respect of the said deposit shall be passed by the trial Judge at conclusion of trial.

[c] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

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

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

25/06/2018

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,
DHARAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP. BY
THE INSPECTOR OF POLICE,
DHARAPURAM POLICE STATION,
TIRUPPUR.

+1 CC to M/S.S.SUGENDRAN Advocate on payment of necessary
charges SR.NO. 11564

CRL OP.15465/2018

Date :25/06/2018

RD 29/06/2018