

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Third day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15650 of 2018

AND CRL.MP.NO.8752 OF 2018

1 HARIHARA SUDHAN
2 JINDA @ RAJESH
3 BALAJI

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
K-6, T.P.CHATRAM POLICE STATION,
CHENNAI-600 010.
CR.NO. 271 OF 2018

[RESPONDENT]

HARIKRISHNAN

[PETITIONER/DEFACTO COMPLAINANT]

[*] Ordered, as per order of this court dated 03/07/2018, made in Crl.MP.NO.8752 of 2018 in Crl.OP.NO.15650 of 2018.

For Petitioner : M/S.P.L.VENDAN Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : MR.S.RAJA RAVI VARMA, Advocate

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.271 of 2018 registered by the respondent police for offences punishable under Sections 341, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act.

2. The case of the prosecution as per the defacto complainant Harikrishnan is that there was a wordy quarrel between the petitioners and the defacto complainant on 02.06.2018 at 9.15 p.m., due to dispute regarding the supply of water, the first petitioner stabbed him with knife and the third petitioner attacked him by using wooden log. At that time, the defacto complainant's daughter interfered to pacify them, she was also beaten by the petitioners.

3. The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant are relatives and due to

previous enmity, a false complaint has been given. He would submit that the defacto complainant is the maternal uncle of the petitioners and that they have been residing adjacently. He would further submit that at the wedding reception of the first petitioner, the defacto complainant, his sons, son-in-law and his daughter beat the petitioners family friend one Panchu @ Panchacharam, who was attending the wedding reception, at that time the petitioners interfered and that unable to tolerate the intervention of the petitioners, the defacto complainant has given a false complaint against the petitioners with an ulterior motive.

4. The learned counsel for the intervenor would submit that the petitioners brutally assaulted the defacto complainant using knife and wooden logs and caused serious injuries. He would submit that there is a previous case pending.

5. The learned Additional Public Prosecutor would submit that during a dispute between the relatives, the petitioners have assaulted the defacto complainant with knife and wooden logs. He would submit that the injured has been discharged from the hospital.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side and also the objection made by the learned counsel for the intervenor, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. 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 V Metropolitan Magistrate, Egmore, Chennai, on condition that each of the petitioner shall execute 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 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/-
03/07/2018

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 V METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
K-6, T.P.CHATRAM POLICE STATION,
CHENNAI-600 010.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.P.L.VENDAN Advocate on payment of necessary
charges in SR.NO. 12261, 12367

CRL OP.15650/2018 AND
CRL.MP.NO.8752 OF 2018

Date :03/07/2018

MLT-10/07/2018