

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15802 of 2018

DEVARAJ @ JAGANATHAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,

[RESPONDENT]

THE INSPECTOR OF POLICE,

KAIKALATHUR POLICE STATION,

PERAMBALUR DISTRICT

CR.NO.93 OF 2018.

For Petitioner : M/S.S.MOHAN Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDITIONAL 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 Sections 147, 148, 294(b), 323, 506(ii) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.93 of 2018, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to land dispute, the petitioner along with other accused assaulted the defacto complainant and abused him with filthy language.

3. The learned counsel for the petitioner would submit that due to property dispute, a false complaint has been given against the petitioner. He would further submit that it is a case in counter and on the complaint against the defacto complainant, the case was also registered in Crime No.94 of 2018.

4. The learned Additional Public Prosecutor submitted that it is a case in counter and that due to land dispute, the petitioner along with other accused abused and assaulted the defacto complainant. He would submit that there is no previous case pending against the petitioner. He would further submit that the injured has been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact

that the injured has been discharged from the hospital, 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, Perambalur, on condition that 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 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 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/-
22/06/2018

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,
PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
PERAMBALUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KAIKALATHUR POLICE STATION,
PERAMBALUR DISTRICT.

+2CC to M/S.S.MOHAN Advocate on payment of necessary charges
SR NO.11315

CRL OP.15802/2018

Date :22/06/2018

MK:27/06/2018