

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.15830 of 2018

1 D.VINAYAGA MOORTHY [PETITIONERS / ACCUSED]
2 V.VASANTHA
3 V.VIJAY
4 V.SRIRAM

Vs

STATE REP. BY: [RESPONDENT]
THE INSPECTOR OF POLICE,
K6-T.P. CHATHIRAM POLICE STATION,
CHENNAI. CR. NO. 211 OF 2018.

For Petitioner : M/S.P.RAJKUMAR PANDIAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 323, 448 and 506(i) of IPC, in Crime No.211 of 2018, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to a dispute regarding path-way, the petitioners assaulted the defacto complainant and caused injuries.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor submitted that due to a dispute regarding path-way, the petitioners assaulted the defacto complainant. He would 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 petitioners subject to the following conditions:

6. 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 at Allikulam, 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 for a period of one week and thereafter, as and when required for interrogation.

[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/-
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 V METROPOLITAN
MAGISTRATE, EGMORE AT ALLIKULAM,
CHENNAI.

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

3 THE INSPECTOR OF POLICE,
K6-T.P. CHATHIRAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+3CC to M/S.P.RAJKUMAR PANDIAN Advocate on payment of necessary
charges in SR.NO. 11499

CRL OP.15830/2018

Date :25/06/2018

MLT-29/06/2018