

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL ORIGINAL PETITION No.16017 of 2018
& CRL.MP.NO.8508 OF 2018

1 V.R.N.KAMARAJAN [PETITIONERS / ACCUSED]
2 N.K.SURESH
3 DHANASEKARAN
4 N.PARANTHAMAN
5 P.PARTHIBAN

Vs

STATE REP. BY [RESPONDENT]
INSPECTOR OF POLICE,
S8 ADAMBAKKAM POLICE STATION,
CHENNAI.
CR.NO.366 OF 2018

M.ARJUNNAN [PETITIONER / INTERVENER /
DEFACTO COMPLAINANT]

[Ordered as per order of this Court dated 27/06/2018 made in
CRL.MP.NO.8508 OF 2018]

For Petitioner : M/S.A.MOHAMED ISMAIL Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : M/S.S.JOEL 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.366 of 2018 registered by the respondent police for the offence punishable under Sections 341, 324 and 506(ii) of IPC.

2. The case of the prosecution as per the de-facto complainant is that the petitioners, due to a family dispute, assaulted the defacto complainant with iron rod and wooden log.

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

4. The learned counsel for the intervenor vehemently opposed the grant of anticipatory bail stating that it is projected as a case of family dispute and that the petitioners have brutally assaulted the defacto complainant with iron rod and wooden log and caused serious injuries to him and that he has been taken treatment as an in-patient for about 10 days.

5. The learned Additional Public Prosecutor would submit that the petitioners, due to family dispute, assaulted the defacto complainant with iron rod and wooden log, due to which, the defacto complainant sustained serious injuries. He would further 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 counsels and taking note of the fact that there is no previous case against the petitioners, I am inclined to grant anticipatory bail to the petitioners 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 Judicial Magistrate, Alandur, 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 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/-
27/06/2018

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-I,
ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
S8 ADAMBAKKAM POLICE STATION,
CHENNAI.

+1CC to M/S.A.MOHAMED ISMAIL Advocate on payment of necessary charges SR NO.11752

CRL OP.16017/2018
& CRL.MP.NO.8508 OF 2018

Date :27/06/2018

MK:03/07/2018