

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.16098 of 2018

S.ABDUL RAHMAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
TIRUPUR NORTH POLICE STATION,
TIRUPPUR CITY,
CR.NO.718 OF 2018.

[RESPONDENT]

For Petitioner : M/S.J.FRANKLIN 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 petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 448 and 506(i) of IPC in Crime No.718 of 2018, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution as per the defacto complainant is that due to wordy quarrel, the petitioner assaulted the de-facto complainant with hands and caused simple injury.

4. The learned counsel for the petitioner submitted that the petitioner has not committed any such offence as alleged by the prosecution and that he has been falsely implicated in this case.

5. The learned Additional Public Prosecutor would submit that the petitioner assaulted the defacto complainant with hands and that the injured has been treated as outpatient.

6. Taking into consideration the facts of the case and the submissions made by the counsels and that the injured has been treated as outpatient, I am inclined to grant anticipatory bail to the petitioner.

7. 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-I, Tirupur, 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 fails to surrender before the said Magistrate within a period of fifteen days, 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/-
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,
NO.I, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
TIRUPUR NORTH POLICE STATION,
TIRUPPUR CITY.

+1CC to M/S.J.FRANKLIN Advocate on payment of necessary
charges SR NO.11599

CRL OP.16098/2018

Date :25/06/2018

MK:29/06/2018