

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.16109 of 2018

1 MOHAN @ MOHANASUNDARAM, [PETITIONERS / ACCUSED]
2 ARUN @ ARUNMURUGAN,
3 SANTHOSH @ SANTHOSH KUMAR,

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR DISTRICT
CR.NO.729 OF 2018.

For Petitioner : M/S.S.PARAMESWARAN Advocate

For Respondent : MR. C.RAGHAVAN Govt. Advocate (Crl. Side)

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.729 of 2018 registered by the respondent police for the offence punishable under Sections 147, 294(b), 323, and 506(i) of IPC.

2. The case of the prosecution as per the de-facto complainant is that there was a dispute between the defacto complainant and the petitioners regarding causing damage to the Flag Post, due to a quarrel, the petitioners abused the defacto complainant with filthy language and assaulted with hands.

3. The learned counsel for the petitioners would submit that since the petitioners belong to the rival political party, they have been falsely implicated in this case. He would submit that there was a quarrel between the petitioners and the defacto complainant and that a false complaint has been given as if the petitioners caused damage to the Flag Post

4. The learned Government Advocate (Crl.Side) would submit that the petitioners caused damage to the Flag Post of the Defacto complainant and that when this was questioned by the defacto complainant, they abused the defacto complainant with filthy language and assaulted him. 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 Judicial Magistrate-I, Tiruppur, 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/-

28/06/2018

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
TIRUPPU[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR DISTRICT

+1 CC to M/S.S.PARAMESWARAN Advocate on payment of necessary
charges SR.NO. 11794

CRL OP.16109/2018

Date :28/06/2018

RD 03/07/2018