

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.16185 of 2018

MUNIYASAMY

[PETITIONER / ACCUSED]

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
RAILWAY PROTECTION
FORCE - CHENGALPATTU,
CHENGALPATTU POLICE STATION,
IN CRIME NO.80 OF 2018.
CHENNAI DISTRICT.

[RESPONDENT]

For Petitioner : M/S.P.KALIMUTHU Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. 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 294(b), 341, 323 and 506(i) of IPC, in Crime No.80 of 2018, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Ayyan Raj is that on 19.06.2018, while he was at the Chengalpattu Railway Station, the petitioner had assaulted him on the face and attempted to snatch his cell-phone and thereafter, the petitioner had threatened to do away with him.

3. The learned counsel for the petitioner would submit that the defacto complainant himself is an accused in a case and that when the petitioner had gone to give complaint before the respondent, the petitioner has been falsely implicated in this case and the entire case is a foisted one.

4. The learned Additional Public Prosecutor would submit that it is a case in counter and on the complaint given by the petitioner herein, a case in Crime No.81 of 2018 was registered against the defacto complainant.

5. Taking into consideration the facts of the case and the

submissions made by the counsels, 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-I, Chengalpattu, 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 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 for a period of one week and thereafter, as and when required for interrogation.

[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, CHENGALPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RAILWAY PROTECTION FORCE - CHENGALPATTU,
CHENGALPATTU POLICE STATION,
CHENNAI DISTRICT.

+1 CC to M/S.P.KALIMUTHU Advocate on payment of necessary
charges SR.NO. 11621

CRL OP.16185/2018

Date :25/06/2018

RD 02/07/2018