

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.16498 of 2018

CHANDRAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
PODHATUR POLICE STATION,
THIRUVALLUR DISTRICT
CR.NO.48 OF 2018.

[RESPONDENT]

For Petitioner : M/S.G.P.SIVAKUMAR 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 petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 506(i) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Crime No.48 of 2018, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant Usha is that the petitioner along with other accused abused her with filthy language, assaulted and threatened her with dire consequences.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the co-accused (A2) has been arrested and later enlarged on bail.

4. The learned Government Advocate (Crl.Side) would submit that the petitioner along with other accused abused the defacto complainant with filthy language, assaulted and threatened her with dire consequences. He would submit that the injured has been discharged from the hospital. He would also submit that the arrested accused has been enlarged on bail.

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 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 District Munsif-cum-Judicial Magistrate, Pallipattu, 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 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 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/-
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 DISTRICT MUNISF-CUM
JUDICIAL MAGISTRATE, PALLIPPATTU

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PODHATUR POLICE STATION,
THIRUVALLUR DISTRICT

+1 CC to M/S.G.P.SIVAKUMAR Advocate on payment of necessary
charges SR.NO. 11801

CRL OP.16498/2018

Date :28/06/2018

RD 03/07/2018