

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Second day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.16665 of 2018

MAGESH

[PETITIONER / ACCUSED]

Vs

STATE REP. BY

[RESPONDENT]

THE INSEPCTOR OF POLICE,
H8 THIRUVOTTIYUR POLICE STATION,
CHENNAI.
CR.NO. 618 OF 2018.

For Petitioner : M/S.P.S.CHANDRAGUPTHAN Advocate

For Respondent : MR.M.MOHAMED RIYAZ,ADDL.PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks anticipatory bail in Crime No.618 of 2018 registered by the respondent police for the alleged offence punishable under Sections 341, 294(b), 336, 427, 392, 397 of IPC.

2. The case of the prosecution as per the de-facto complainant one Vijayanand is that on 17.05.2018 at about 22.45 hours, the petitioner along with 4 others waylaid him and robbed an amount of Rs.1500/- at knife point.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in a case in Crime No.616 of 2018 and the allegation in that case is that he along with 4 other accused, due to previous enmity, assaulted the defacto complainant with knife and that while he was in custody, this case in Crime No.618 of 2018 has been foisted against him in order to detain him under Act 14. He would submit that while the petitioner was in custody in the earlier case, the petitioner was not shown to be arrested in this case though the respondent is well aware of the case. He would submit that in the earlier case in Crime No.616 of 2016, the petitioner has been ordered to be released on bail by an order dated 11.06.2018 in CrI.O.P.No.15158 of 2018 and he is complying with the condition.

4. The learned Additional Public Prosecutor would submit that after committing the earlier offence in Crime No.616 of 2018, the

petitioner along with 4 others waylaid the defacto complainant and robbed an amount of Rs.1500/- at knife point.

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 petitioner has been granted bail in Crime No.616 of 2018, 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, Thiruvottriyur, 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 stay at Villupuram and report before the Villupuram Town Police Station daily at 10.30.a.m. and 5.30.p.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/-

02/07/2018

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,
THIRUVOTTRIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSEPCTOR OF POLICE,
H8 THIRUVOTTIYUR POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM

+1 CC to M/S.P.S.CHANDRAGUPTHAN Advocate on payment of
necessary charges SR.NO. 12109

CRL OP.16665/2018

Date :02/07/2018

RD 10/07/2018