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.16691 of 2018

1 D.JAGADEESAN, [PETITIONERS / ACCUSED]
2 P.BHARATHI,
3 R.KUMAR,
4 M.SIRANJEEVI @ SIRANJEEVI SELVAM
5 R.REVANTH,

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
THIRUVARUR DISTRICT
CR.NO.207 OF 2018.

For Petitioner : M/S.M.VIJAYARAGAVAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 294(b), 324 and 506(ii) of IPC, in Crime No.207 of 2018, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that due to money dispute, the petitioners assaulted the defacto complainant and abused him with filthy language.

3. The learned counsel for the petitioners would submit that due to money dispute, a false complaint has been given against the petitioners. He would further submit that it is a case in counter and on the complaint given by the petitioners, the case was also registered in Crime No.208 of 2018 against the defacto complainant.

4. The learned Additional Public Prosecutor submitted that it is a case in counter and that due to money dispute, the petitioners abused and assaulted the *defacto* complainant. 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, Tiruvaru, 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/-
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,
TIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
KODAVASAL POLICE STATION,
THIRUVARUR DISTRICT

+1 CC to M/S.M.VIJAYARAGAVAN Advocate on payment of necessary charges-Sr.12046

CRL OP.16691/2018

Date :02/07/2018

ths : 09.07.2018