

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixteenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N. SATHISH KUMAR

CRIMINAL ORIGINAL PETITION No.16889 of 2018

N.B.KOTEESWARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
K-3 AMINJIKARAI POLICE STATION,
CHENNAI-600 029
CR.NO.233 OF 2018.

[RESPONDENT]

For Petitioner : M/S.S.B.VISWANATHAN Advocate

For Respondent : MR. B.ARULMOZHIMARAN, Govt. Advocate (Crl. Side)

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 offences punishable under Sections 294(b), 353 and 506 (ii) IPC in Crime No.233 of 2018 on the file of the respondent police, seek anticipatory bail.

2.Heard both sides.

3. This is the third application seeking anticipatory bail. The second application was dismissed taking into consideration of the facts that investigation has not been completed. This Court had also observed that the investigation officer of the State has not taken any steps to complete the investigation. The conduct of the prosecution agency also gave an impression that they were taking it very lightly. At any event, there was no change of circumstances.

4.Now, the learned Government Advocate (Crl. Side) would submit that investigation is almost over and witnesses is also examined. This Court also perused the CD file and statement of witnesses have been recorded and in fact charge sheet is also ready. In view of the fact that the investigation is over and the charge sheet also filed, as there is a change of circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

5.The petitioner has filed an affidavit before this Court which reads as follows:

"I state that as far as the present case is concerned at the most it would be a traffic violation and I have not prevented the police from discharging his official duty or employed any abusive language. I further state that I have great respect for majesty of law, due process of law and I always subject myself to rule of law and jurisdiction of courts. I know my responsibilities as a citizen and all are equal before law and I would never attempt to misuse or abuse my position as a lawyer"

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 V Metropolitan Magistrate's Court, Allikulam Egmore, Chennai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the V Metropolitan Magistrate daily at 10.30 a.m. regularly until further orders. He also required to appear before the police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
16/07/2018

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 METROPOLITAN MAGISTRATE,
NO.V, ALLIKULAM, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI
[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-3 AMINJIKARAI POLICE STATION,
CHENNAI-600 029.

+1CC to M/S.S.B.VISWANATHAN Advocate on payment of necessary
charges SR NOS.13106, 13127

CRL OP.16889/2018

Date :16/07/2018

MK:19/07/2018