

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.17241 of 2018

R.JOTHI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ULUNDURPET POLICE STATION,
ULUNDURPET, VILLUPURAM DISTRICT
CR.NO.920 OF 2017.

[RESPONDENT]

For Petitioner : M/S.D.PADMANABHAN Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL 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.920 of 2017 registered by the respondent police for the offence under Sections 294(b), 353 and 506(i) of IPC.

2. The case of the prosecution as per the de-facto complainant is that the petitioner abused the defacto complainant, who is a Government Doctor, working at Ulundurpet.

3. The learned counsel for the petitioner would submit that the defacto complainant had misbehaved with one of his relatives, who was working as a nurse in the hospital, the petitioner had sent a complaint against the defacto complainant to the Superior Authorities and only in order to take revenge on him, a false complaint has been given against him.

4. The learned Additional Public Prosecutor would submit that the petitioner abused the defacto complainant, who is a Government Doctor and prevented him from discharging his official duty. He would submit that there is no previous case against the petitioner.

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, Ulundurpet, 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 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/-
18/07/2018

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,
NO.I, ULUNDURPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ULUNDURPET POLICE STATION,
ULUNDURPET, VILLUPURAM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.D.PADMANABHAN Advocate on payment of necessary
charges in SR.NO. 13335

CRL OP.17241/2018

Date :18/07/2018

MLT-26/07/2018