

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 A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.17535 of 2018

1 V.AJITH KUMAR,
2 B.VIJAYAN,

[PETITIONERS / ACCUSED]

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
THIRUVALLUR.
CR.NO.374 OF 2018.

[RESPONDENT]

For Petitioner : M/S.J.STALIN Advocate

For Respondent : MR. C.AYYAPPARAJ ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.374 of 2018 registered by the respondent police for the offence punishable under Sections 294(b), 324, 506(ii) of IPC r/w Section 4 of Women Harassment Act.

2. The case of the prosecution as per the de-facto complainant one Shanmugapriya is that 20 days prior to the date of complaint, the petitioners abused her with filthy language and also assaulted her husband Purushothaman.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case, due to a previous enmity. He would submit that the alleged occurrence is stated to have committed on 17.06.2018, whereas, the complaint has been given belatedly on 05.07.2018. He would submit that the first accused has been arrested and later, enlarged on bail.

4. The learned Additional Public Prosecutor would submit that the petitioners and the defacto complainant belong to same village and that due to previous enmity, the petitioners abused the defacto complainant with filthy language and assaulted her husband with knife and wooden log. He would further submit that the injured has been discharged from the hospital. He would submit that the arrested

accused has been enlarged on bail and that there is no previous case against the petitioners.

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-II, Thiruvallur, 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 and 5.30.p.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/-
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 JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
THIRUVALLUR.

+1 CC to M/S.J.STALIN Advocate on payment of necessary charges-
Sr.13048

CRL OP.17535/2018

Date :16/07/2018

ths : 23.07.2018