

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.17541 of 2018

VICKY @ VIGNESH KUMAR

[PETITIONER / ACCUSED]

Vs

STATE BY,

[RESPONDENT]

THE INSPECTOR OF POLICE,

M-1, MADHAVARAM POLICE STATION,

MADHAVARAM, CHENNAI.

CR.NO.321 OF 2018.

For Petitioner : M/S.G.ASHOK KUMAR Advocate

For Respondent : 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.321 of 2018 registered by the respondent police for the offence punishable under Sections 147, 148, 341, 294(b), 324, 427, 506(ii) and 149 of IPC.

2. The case of the prosecution as per the de-facto complainant one Sekar is that on 28.05.2018, he had found a boy and a girl near to his house in a compromising manner and warned them along with some of the local members of his area. After some time, the boy had come along with 10 persons and they had attacked him by using hands and wooden logs.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that there was a previous enmity between the defacto complaint and the family members of the petitioner. He would submit that the arrested accused have been enlarged on bail and other accused have been granted anticipatory bail by this Court. He would submit that the petitioner is a student studying in Thiruthangal Nadar College and that the entire family members have been implicated in this case.

4. The learned Additional Public Prosecutor would submit that since the defacto complainant reprimanded the relative of the petitioner for misbehaving in their area, the petitioner along with the other accused had gone to the defacto complainant's house and attacked him with hands and wooden logs. He would further 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, 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, Thiruvottiyur, 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 fail 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.

[c] the petitioner shall report before the respondent police daily at 5.30.p.m., until further orders.

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

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

[f] 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]**.

[g] 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,
THIRUVOTTIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
M-1, MADHAVARAM POLICE STATION,
MADHAVARAM, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.G.ASHOK KUMAR Advocate on payment of necessary
charges in SR.NO. 13113

CRL OP.17541/2018

Date :16/07/2018

MLT-20/07/2018