

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17731 of 2018

1 PARAMASIVAM, [PETITIONERS / ACCUSED]
2 MURUGAN,

Vs

STATE REPRESENTED BY [RESPONDENT]
THE SUB INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
THIURVANNAMALAI DISTRICT.
CR. NO. 598 OF 2018.

For Petitioner : M/S.R.BALAKRISHNAN 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 petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 338 of I.P.C. r/w 3 and 5 Explosive Substances Act 1908, in Cr.No.598 of 2018 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner is a crane operator and the 2nd petitioner is a landlord. The defacto complainant's elder son is an employee of the 1st petitioner. Inorder to dig a well, the petitioners used explosives due to which a big stone fell on the left hand and left leg of the defacto complainant's son and he sustained grievous injuries.

3.The learned counsel appearing for the petitioners would submit that the petitioners have given a partial sum of Rs.35,000/- for hospital expenditure. Thereafter the petitioners have come forward to give sum of Rs.50,000/- each. The learned counsel also produced two Demand Drafts bearing nos.430325 and 430326 dated 13.08.2018 drawn in favour of the defacto complainant's son in the Indian Bank, Chengam Branch, for a sum of Rs.50,000/- each before this Court.

4.The learned Additional Public Prosecutor did not dispute the above said facts.

5.Considering the fact that the petitioners have parted some amount of money for the hospital expenditure and has also come forward to pay some more amount to the defacto complainant's son, this Court is inclined to grant anticipatory bail to the petitioners.

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 District Munsif cum Judicial Magistrate, Chengam on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 learned Magistrate concerned and on further condition that:

(a)the petitioners shall give a further sum of Rs.50,000/- (Rupees Fifty Thousand Only) each, to the defacto complainant's son directly by way of demand draft within a period of one week from the date of receipt of a copy of this order. The copy of the said demand drafts shall be produced before the learned District Munsif cum Judicial Magistrate, Chengam, at the time of executing the bond.

(b)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 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]**; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
20/08/2018

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 DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
CHENGAM POLICE STATION,
THIURVANNAMALAI DIST.

+1 CC to M/S.R.BALAKRISHNAN Advocate on payment of necessary
charges SR.NO. 15490

CRL OP.17731/2018

Date :20/08/2018

TA-27/08/2018

WEB COPY