

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.17834 of 2018

1 U.PUKRAJ JAIN, [PETITIONERS / ACCUSED]
2 M.KAMLESH DHOKA,

Vs

STATE REPRESENTED BY [RESPONDENT]
THE INSPECTOR OF POLICE,
G-3, KILPAUK POLICE STATION,
CHENNAI-600 010.
CR.NO.323 OF 2018.

For Petitioner : M/S.R.S.MANGALA KUMAR 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 seek anticipatory bail in Crime No.323 of 2018 registered by the respondent for the alleged offence punishable under Sections 294(b), 323 and 506(i) of IPC.

2. The case of the prosecution as per the de-facto complainant is that the petitioners and the defacto complainant are in the same residential apartments and that due to a quarrel, the petitioners have assaulted the defacto complainant with hands.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that in fact, the defacto complainant assaulted the petitioners on 30.06.2018 and due to the advice and interference of other neighbours, they have been not given complaint against the defacto complainant, however, the defacto complainant lodged a false complaint after four days against the petitioners as if they have assaulted him.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners and the defacto complainant are the residents of the same apartments and that during a quarrel, the petitioners have abused the defacto complainant with filthy language and assaulted him and also threatened him with dire consequences. He would submit that the injured has been discharged from the hospital and that the petitioners have no previous case against them.

5. Taking into consideration the facts of the case and the submissions made by the counsels and that there is no previous case against the petitioners, 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 II Metropolitan Magistrate, Allikulam, Egmore, Chennai, on condition that each of the petitioner 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30.a.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/-
19/07/2018

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.II, ALLIKULAM, EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
G-3, KILPAUK POLICE STATION,
CHENNAI-600 010.

CC to M/S.R.S.MANGALA KUMAR Advocate on payment of necessary
charges

CRL OP.17834/2018

Date :19/07/2018

TA-30/07/2018