

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.17835 of 2018

1 MATHAN @ MATHANRAJ
2 VIJAY @ VIJAYAVARMAN

[PETITIONERS / ACCUSED]

Vs

STATE BY THE
INSPECTOR OF POLICE,
15, VELAMPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO. 421 OF 2018

[RESPONDENT]

For Petitioner : M/S.S.PARAMESWARAN Advocate

For Respondent : MR. C.IYYAPPARAJ 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.421 of 2018 registered by the respondent for the alleged offence punishable under Sections 147, 294 (b), 323, 506(ii) and 307 of IPC.

2. The case of the prosecution is that on 03.07.2018, there was dispute between two groups of students and that when the defacto complainant attempted to pacify them, the petitioners along with other accused have attacked the defacto complainant with dimmer knife on his head.

3. The learned counsel for the petitioners would submit that there are totally 10 accused involved in this case and the petitioners are arrayed as A5 & A9. He would further submit that the petitioners have not committed any offence as alleged and since they happen to be the students belonging to one group, they have been falsely implicated in this case. He would further submit that the alleged victim has been discharged from the hospital.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners belong to a group of students and that on 03.07.2018, there was a dispute between two groups of students and that when the defacto complainant attempted to pacify them, the petitioners along with

other accused assaulted him with knife, thereby, the defacto complainant sustained injuries. He would further submit that the injured has been discharged from the hospital 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, 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-I, Tiruppur, 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 (out of which one shall be either the father or mother of the petitioner), 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 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/-
23/07/2018

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
TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
15, VELAMPALAYAM POLICE STATION,
TIRUPPUR DISTRICT

+1CC to M/S.S.PARAMESWARAN Advocate on payment of necessary charges
SR.NO. 13615

CRL OP.17835/2018

Date :23/07/2018

cm 31/07/2018