

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.17924 of 2018

J.NARESH KUMAR,

[PETITIONER / ACCUSED]

Vs

THE STATE,

[RESPONDENT]

REP. BY THE INSPECTOR OF POLICE,

P-2, OTTERI POLICE STATION,

CHENNAI-600012.

CR.NO.416/2018

For Petitioner : M/S.R.MUNIYAPPARAJ 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 petitioner seeks anticipatory bail in Crime No.416 of 2018 registered by the respondent police for the offence punishable under Sections 341, 294(b), 323 and 506(ii) of IPC r/w Section 4 of Women Harassment Act.

2. The case of the prosecution as per the de-facto complainant Mageshwari @ Mogi is that due to a tenancy dispute, the petitioner along with his father, who is arrayed as A1, abused him with filthy language and also assaulted him.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case, due to enmity regarding the tenancy dispute. He would submit that on a false complaint given by the defacto complainant, A1/the father of the petitioner has been arrested and later, enlarged on bail. He would further submit that the petitioner is a student and unnecessarily he has also been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that due to tenancy dispute, the petitioner along with his father/A1 abused the defacto complainant with filthy language and criminally intimidated him. He would submit that there is no injury to the defacto complainant.

5. Taking into consideration the facts of the case and the

submissions made by the counsels and also taking note of the fact that no injury to the defacto complainant, 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 Additional Mahila Court, Allikulam, Chennai, 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 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 petitioner shall report before the respondent police daily at 5.30.p.m., for a period of one week and thereafter, as and when required.

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

[d] the petitioner 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 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]**.

[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 ADDL. MAHILA COURT,
ALLIKULAM, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATE,
REP. BY THE INSPECTOR OF POLICE,
P-2, OTTERI POLICE STATION,
CHENNAI-600012.

+1 CC to M/S.R.MUNIYAPPARAJ Advocate on payment of necessary
charges-Sr.13172

CRL OP.17924/2018

Date :16/07/2018

ths : 19.07.2018