

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.17992 of 2018

1 S.R.RAJINI, [PETITIONERS / ACCUSED]
2 S.BASKAR,
3 JOSEPH SAMUEL,

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
VIRUTHAMPET POLICE STATION,
VELLORE DISTRICT,
CR.NO.230 OF 2018.

For Petitioner : M/S.S.SAIRAMAN 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.230 of 2018 registered by the respondent police for the offence under Sections 294(b), 323, 393 and 506(i) of IPC.

2. The case of the prosecution as per the de-facto complainant one Rajkumar is that due to a previous enmity, the petitioners abused him with filthy language and assaulted him on 24.06.2018 in front of Archana Hotel. The further allegation is that the accused persons took 30 parottas, 30 Chappathies and cash of Rs.10,000/- by force from the hotel.

3. The learned counsel for the petitioners would submit that the petitioners and the defacto complainant are relatives and that the defacto complainant is the cousin of the first petitioner and that there is a dispute between them with regard to the ownership of the hotel and that a false complaint has been given against them.

4. The learned Additional Public Prosecutor would submit that the petitioners abused the defacto complainant with filthy language and assaulted him on 24.06.2018 in front of Archana Hotel and also taken away the food articles and cash of Rs.10,000/- by force from the defacto complainant.

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-III, Vellore, on condition that the each of 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 petitioners fails 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 petitioners shall report before the respondent police daily at 10.30.a.m and 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/-
17/07/2018

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.III, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
VIRUTHAMPET POLICE STATION,
VELLORE DISTRICT,

+1 CC to M/S.S.SAIRAMAN Advocate on payment of necessary
charges-Sr.13271

CRL OP.17992/2018

Date :17/07/2018

ths : 19.07.2018