

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.18024 of 2018

J.ARUMUGAM,

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

H-8, THIRUVOTHIYUR POLICE STATION,

THIRUVOTHIYUR, CHENNAI-600 019.

CR.NO.1328/2017

For Petitioner : M/S.M.VENUGOPAL 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 petitioner seeks anticipatory bail in Crime No.1328 of 2017 registered by the respondent for the alleged offence punishable under Sections 147, 148, 341, 294(b), 307 of IPC and Section 7 of Arms Act.

2. The case of the prosecution as per the defacto complainant one Kalaimani is that on 24.06.2017 at about 7.00.p.m, seven named persons and others assaulted him.

3. The learned counsel for the petitioner would submit that 10 persons have been stated to have been involved in this case. He would submit that the allegation against the petitioner is that he instigated the other accused to assault the defacto complainant. He would submit that the arrested accused have been enlarged on bail and that some of the similarly placed accused have been granted anticipatory bail. He would also submit that there is no previous case against the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to previous enmity, the petitioner along with the other accused assaulted the defacto complainant viz., one Kalaimani with deadly weapons and that there no previous case against the petitioner. He would submit that the arrested accused have been enlarged on bail and some of the accused have been granted anticipatory bail. He would submit that the injured has been discharged from the hospital.

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 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 learned Judicial Magistrate, Thiruvottiyur, Chennai, on condition that 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 petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30.a.m until further orders

[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/-
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,
THIRUVOTTIYUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
H-8, THIRUVOTHIYUR POLICE STATION,
THIRUVOTHIYUR, CHENNAI-600 019.

+1 CC to M/S.M.VENUGOPAL Advocate on payment of necessary
charges SR.NO. 13714

CRL OP.18024/2018

Date :23/07/2018

TA-30/07/2018