

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirtieth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.18133 of 2018

PALANI,

[PETITIONER / ACCUSED]

Vs

STATE BY,

[RESPONDENT]

THE INSPECTOR OF POLICE,
E.3, TEYNAMPET POLICE STATION,
CHENNAI. CR.NO.537 OF 2018.

For Petitioner : M/S.P.K.GANESH Advocate

For Respondent : MR. M.MOHAMED RIYAZ, 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.537 of 2018 registered by the respondent police for the offence punishable under Sections 147, 143, 341, 294(b), 323, 307 and 506(ii) of IPC.

2. The case of the prosecution is that on 30.06.2018, the accused suspecting the victims, who are North Indians, to be child lifters, assaulted them with legs and hands.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and that since he was present along with other accused, he has been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner along with other accused, suspecting the victims, who are North Indians, to be child lifters, assaulted them with hands and legs. He would submit that the arrested accused have been enlarged on bail and that there is no previous case pending against the petitioner. He would further submit that the injured persons have been discharged from the hospital.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the counsel that the arrested accused have been enlarged on bail and that the injured victims have been discharged from the hospital and that there is no previous case

against the petitioner, I am inclined to grant anticipatory bail to the petitioner with certain 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 XVIII Metropolitan Magistrate, Saidapet, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30.a.m., until further orders.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) 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]**;

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

30/07/2018

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,
<https://hcservices.ecourts.gov.in/hcservices/>
NO.XVIII, SAIDAPET, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE BY,
THE INSPECTOR OF POLICE,
E.3, TEYNAMPET POLICE STATION,
CHENNAI.

+1 CC to M/S.P.K.GANESH Advocate on payment of necessary
charges-Sr.14223

CRL OP.18133/2018

Date :30/07/2018

ths : 03.08.2018



WEB COPY