

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of August Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.18196 of 2018

S.P.BALUSAMY,

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
VELAMPALAYAM POLICE STATION,
TIRUPUR DISTRICT
CR.NO.191 OF 2018.

[RESPONDENT]

For Petitioner : M/S.M.GURUPRASAD 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.191 of 2018 registered by the respondent police for the offences punishable under Sections 341 and 506(i) of IPC.

2. The case of the prosecution as per the defacto complainant one Vedhachalam is that he is a building contractor and on instructions of Gunasekar, he had come to Puthuran Thottam to discuss about the construction of a building. At that time, there was a quarrel and the petitioner had threatened the defacto complainant of dire consequences.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and that on the instigation of Gunasekar, a false complaint has been given against the petitioner. He would submit that though the alleged occurrence stated to have been taken place on 19.03.2018, the complaint was given after five days and the case has been registered on 24.03.2018.

4. The Additional Public Prosecutor would submit that the petitioner had threatened the defacto complainant and intimidated him.

5. Taking into consideration the facts of the case and the submissions made by the counsel on either side, I am inclined to grant anticipatory bail to the petitioner.

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-III, Tiruppur, 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 learned said on further condition that:-

[a] if the petitioner fail to surrender before the concerned 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/-

01/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

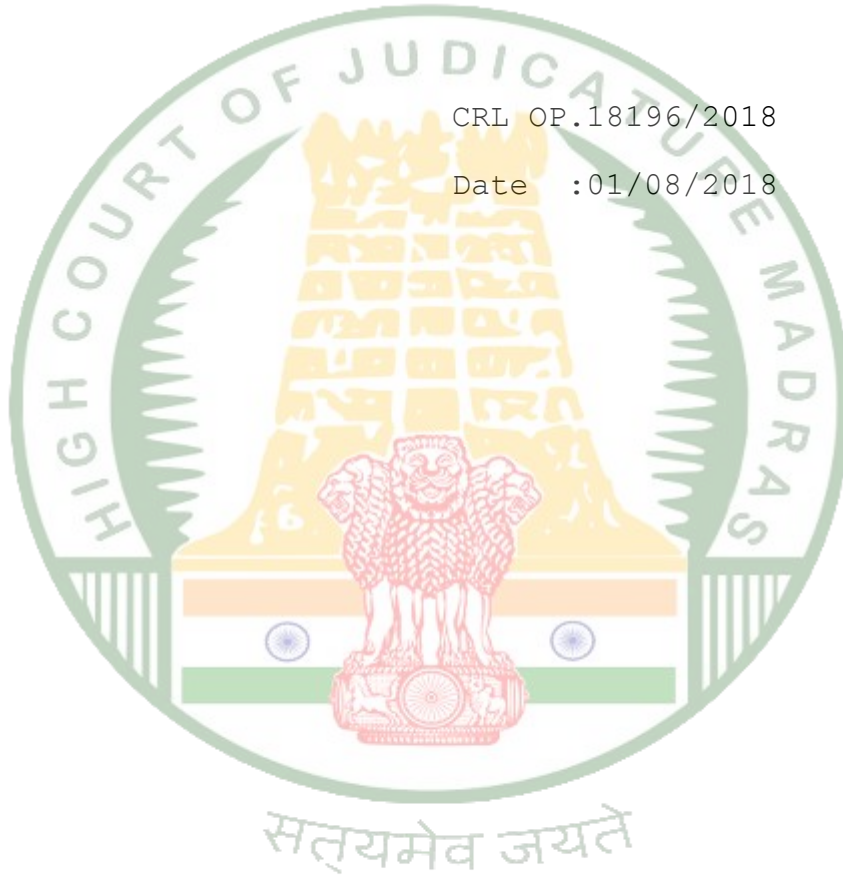
4 THE INSPECTOR OF POLICE,
VELAMPALAYAM POLICE STATION,
TIRUPUR DISTRICT.

+ CC to M/S.M.GURUPRASAD Advocate on payment of necessary
charges-Sr.14424

CRL OP.18196/2018

Date :01/08/2018

ths : 07.08.2018



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