

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.18320 of 2018

1 JAYAPRAKASH,
2 SIVA,

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KARIPATTY POLICE STATION,
SALEM DISTRICT.
CR.NO.133 OF 2018

[RESPONDENT]

For Petitioner : M/S.S.RAJANIKANTH 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 petitioners seek anticipatory bail in Crime No.133 of 2018 registered by the respondent police for the offence punishable under Sections 147, 148, 341, 294(b), 324 and 307 of IPC.

2. The case of the prosecution is that due to previous enmity the petitioners along with other accused waylaid the defacto complainant and assaulted him with wooden long and abused him with dire consequences and also criminally intimidated him.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that there is no previous case against the petitioner.

4. The learned Additional Public Prosecutor appearing for the State would submit that the accused belong to two different groups and the petitioners along with other accused waylaid the defacto complainant and assaulted him with hands and legs and also intimidated him. He would submit that there is no previous case against the petitioners and that the injured has 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 injured has been discharged from the hospital and that there is no previous case against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain 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-II, Salem, on condition that 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 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30.a.m., and 5.30.p.m until further orders.

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

(iv) the petitioners 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 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]**;

(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 JUDICIAL MAGISTRATE,
NO.II, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

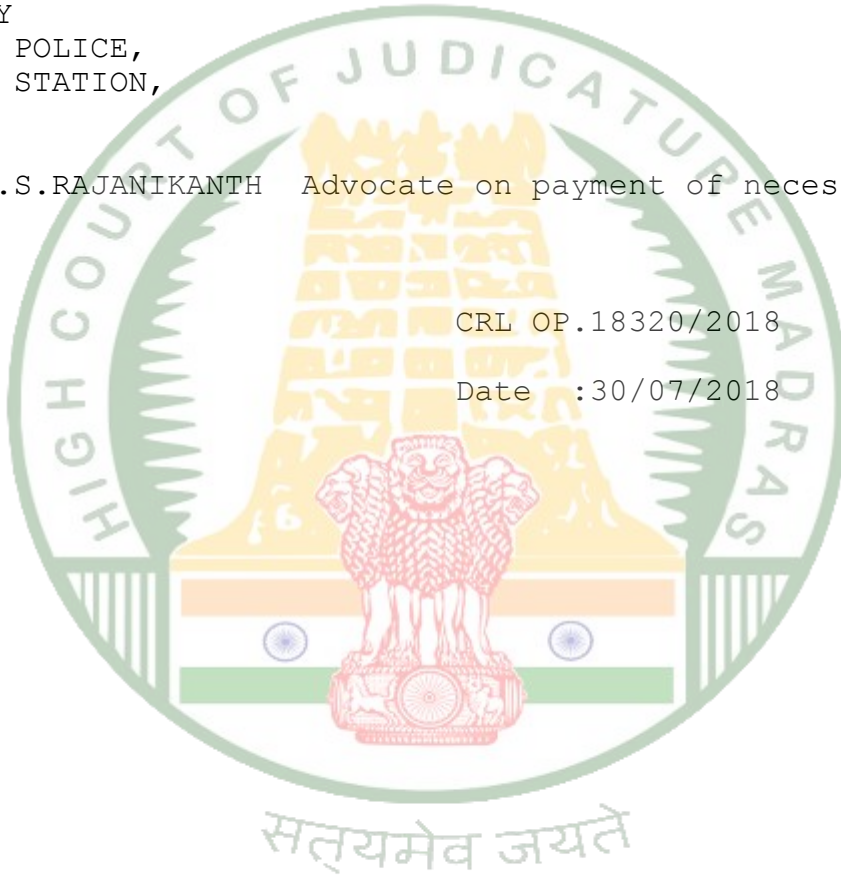
4 STATE REP. BY
THE INSPECTOR OF POLICE,
KARIPATTY POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.S.RAJANIKANTH Advocate on payment of necessary
charges-Sr.14169

CRL OP.18320/2018

Date :30/07/2018

ths : 02.08.2018



WEB COPY