

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Fourth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.18399 of 2018

1 BALAMURUGAN
2 KAMALAKANNAN
3 SRIDHAR
4 BALAJI
5 THAMEEM BASHA.A.

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ACHARAPAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.NOT KNOWN OF 2018

[RESPONDENT]

For Petitioner : M/S.K.S.ARUMUGAM Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDITIONAL 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.196 of 2018 registered by the respondent police for the offence punishable under Sections 294(b), 323 and 506(i) of IPC.

2. The case of the prosecution as per the de-facto complainant is that due to a wordy quarrel, the petitioners abused him with filthy language and also assaulted him, due to which, he sustained simple injury.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that due to a wordy quarrel, the petitioners abused the defacto complainant with filthy language and also assaulted him. He would submit that there is no previous case against the petitioners. He would further submit that the defacto complainant sustained simple injuries.

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-II, Maduranthakam, on condition that each of 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 petitioners failed 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 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/-
24/07/2018

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, MADURANTHAKAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ACHARAPAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.K.S.ARUMUGAM Advocate on payment of necessary
charges in SR.NO. 13772

CRL OP.18399/2018

Date :24/07/2018

MLT-27/07/2018