

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.18412 of 2018

1 JAYAKANTH, [PETITIONERS / ACCUSED]
2 G.MANIVANNAN,
3 S.VENKATESH,

Vs

THE INSPECTOR OF POLICE [RESPONDENT]
G-3, KILPAUK POLICE STATION,
CHENNAI-600 010.
CR.NO.164 OF 2018.

For Petitioner : M/S.M.SASIKUMAR 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.164 of 2018 registered by the respondent police for the offence punishable under Sections 341, 294(b), 447, 323, 506(i) of IPC and Section 3 of TNPPDL Act.

2. The case of the prosecution is that on 05.04.2018, during the agitation for constitution of Cauvery Water Management Board, the petitioners asked the *de facto* complainant to shut down his hotel and thereby, caused damage to the hotel, assaulted the *de facto* complainant and threatened him with dire consequences .

3. The learned counsel for the petitioners would submit that the petitioners are in no way connected with the alleged offence and they have been falsely implicated in this case since they participated in the agitation. He would submit that the petitioners were earlier granted anticipatory bail by this Court on 13.04.2018 in CrI.O.P.No.11140 of 2018 to the condition that each of the petitioner should deposit a sum of Rs.15,000/- totalling to Rs.45,000/- to the credit of Crime No.164 of 2018 before the concerned Magistrate. He would submit that the petitioners were unable to raise funds and that they were unable to surrender within a time frame fixed by this Court and meanwhile, the order was lapsed. However, he would submit that the petitioners are prepared to abide by any stringent condition and pay costs.

4. The learned Additional Public Prosecutor would submit that earlier the petitioners were granted anticipatory bail by this Court on 13.04.2018, however, they have not surrendered before the concerned court within the time frame. However, he would submit that the petitioners may be granted anticipatory bail on any stringent condition.

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 XIV Metropolitan Magistrate, Allikulam, Egmore, Chennai, 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 fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of the order, this order shall stand automatically cancelled.

[b] before executing surety, each of the petitioner is directed to deposit an amount of Rs.15,000/- (Rupees Fifteen Thousand only) totalling to Rs.45,000/- (Rupees Forty Five Thousand only) to the credit of Cr.No.164 of 2018 before the concerned Magistrate.

[c] each of the petitioner shall pay cost of Rs.2,500/- (Rupees Two Thousand and Five hundred only) each to the concerned Taluk Legal Services Authorities.

[d] the petitioners shall report before the respondent police daily at 10.30.a.m., until further orders.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A 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 METROPOLITAN MAGISTRATE,
NO.XIV, ALLIKULAM, EGMORE, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
G-3, KILPAUK POLICE STATION,
CHENNAI.

5 THE SECRETARY
TALUK LEGAL SERVICE AUTHORITIES,
KILPAUK, CHENNAI.

+1 CC to M/S.M.SASIKUMAR Advocate on payment of necessary charges SR.NO.13948

CRL OP.18412/2018

Date :24/07/2018

TA-30/07/2018