

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.18486 of 2018

GEETHA

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
KOTHAGIRI POLICE STATION,
KOTHAGIRI,
NILGIRIS DISTRICT,
CR.NO.389 OF 2018.

[RESPONDENT]

For Petitioner : M/S.D.ARUN 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.389 of 2018 registered by the respondent police for the offences punishable under Sections 147, 341 and 353 of IPC.

2. The case of the prosecution is that the petitioner along with other accused conducted a Road Roco without obtaining permission and when this was questioned by the Village Administrative Officer, they have threatened him and prevented him from discharging his duty.

3. The learned counsel for the petitioner would submit that on 14.04.2018 there was a quarrel between one Lenin Raj belonging to the Village and Ramesh, who is the conductor of the bus and the conductor pushed him from the bus due to which, the said Lenin Raj died on the spot. When the same was questioned by the petitioner, a false complaint has been given against the petitioner. He would submit that the petitioner is a lady and she has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that without proper permission the petitioner along with other accused have blocked the traffic and when the same was questioned by the defacto complainant, they have abused him and prevented him from discharging his duty.

5. Taking into consideration the facts of the case and submissions made by both the counsel, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kothagiri, The Nilgiris District, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said 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 for a period of one week and thereafter, as and when required.

[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/-

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,
KOTTAGIRI, THE NILGRIS DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRI DISTRICT[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KOTHAGIRI POLICE STATION,
KOTHAGIRI,
NILGIRIS DISTRICT,

+1 CC to M/S.D.ARUN Advocate on payment of necessary charges
SR.NO. 13859

CRL OP.18486/2018

Date :24/07/2018

RD 30/07/2018