

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.18491 of 2018

NAGARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SUNGUVARCHATHIRAM POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.189 OF 2018

[RESPONDENT]

For Petitioner : M/S.A.ARUNKUMAR Advocate

For Respondent : M/S M.MOHAMED RIYAZ, ADDITIONAL 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.189 of 2018 registered by the respondent police for the offences punishable under Sections 294(b), 447, 506(i) of IPC r/w Section 3(1) of TNPPDL Act.

2. The case of the prosecution is that the petitioner in an inebriated condition, abused the defacto complainant and her husband and also caused damage to the two wheeler of the defacto complainant's husband.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are neighbours, due to a previous enmity, a false complaint has been foisted against the petitioner. He would submit that there is no previous case pending against the petitioner and that the injured has been discharged from the hospital.

4. The learned Additional Public Prosecutor would submit that the petitioner and the defacto complainant are neighbours and that the petitioner, in an inebriated condition, had abused the defacto complainant and caused damage to the two wheeler of the defacto complainant's husband and that the damage has not been assessed.

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 petitioner on certain conditions.

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 District Munsif-cum-Judicial Magistrate, Sriperumbudur, 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 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/-
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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIPERUMBUDUR

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP. BY
THE INSPECTOR OF POLICE, SUNGUVARCHATHIRAM
POLICE STATION, KANCHEEPURAM DISTRICT. CR.NO.
189 OF 2018

+1CC to M/S.A.ARUNKUMAR Advocate on payment of necessary
charges SR.NO. 13773

CRL OP.18491/2018

Date :24/07/2018

CM-27/07/2018