

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.18633 of 2018

1 MALLIGA, [PETITIONERS / ACCUSED]
2 MURUGAN,
3 SALAMMA,
4 MUNIYANDI,
5 VEERAMANI,
6 KAVERI,
7 VAITHEGI @ SAITHEGI,
8 BULLAN,

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
THIRUPATTUR TALUK POLICE STATION,
VELLORE DISTRICT
CR.NO.477 OF 2017.

For Petitioner : M/S.I.PERIASWAMY 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.477 of 2017 registered by the respondent police for the offence punishable under Sections 294(b) and 506(i) of IPC.

2. The case of the prosecution as per the defacto complainant is that due to a wordy quarrel, the petitioners abused him with filthy language and criminally intimidated him.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case, due to property dispute.

4. The learned Additional Public Prosecutor appearing for the State would submit that due to a property dispute, the petitioners abused the defacto complainant with filthy language and also criminally intimidated him. He would further submit that no one sustained injury.

5. Taking into consideration the facts of the case and also the submission made by the counsel on either side, 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, Thiruppattur, 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., 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/-

26/07/2018

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, THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
THIRUPATTUR TALUK POLICE STATION,
VELLORE DISTRICT

+1 CC to M/S.I.PERIASWAMY Advocate on payment of necessary
charges-Sr.13965

CRL OP.18633/2018

Date :26/07/2018

ths : 31.07.2018