

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.18710 of 2018

S.SURYA,

[PETITIONER / ACCUSED]

Vs

THE STATE REP. BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
J-11 KANNAGI NAGAR POLICE STATION,
SHOLINGANALLUR, CHENNAI - 97.
CR.NO.520 OF 2018

For Petitioner : M/S.A.RAMESH MANIKANDAN 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.520 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 wordy quarrel, the petitioner abused him with filthy language and assaulted him and threatened with dire consequences.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner and the defacto complainant are neighbours and that there was a domestic quarrel between the petitioner and the defacto complainant, due to which, a false complaint has been foisted against him.

4. The learned Additional Public Prosecutor would submit that due to wordy quarrel, the petitioner abused the defacto complainant with filthy language and assaulted him and also threatened with dire consequences. He would further submit that the injured has been discharged from the hospital.

5. Taking into consideration the facts of the case and the submissions made by the counsels and also taking note of the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioner subject to the

following 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 Judicial Magistrate, Alandur, Chennai, 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 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 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/-
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,
ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-11 KANNAGI NAGAR POLICE STATION,
SHOLINGANALLUR, CHENNAI - 97.

+1 CC to M/S.A.RAMESH MANIKANDAN Advocate on payment of
necessary charges-Sr.13951

CRL OP.18710/2018

Date :26/07/2018

ths : 31.07.2018