

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of August Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION Nos.18714 and 19191 of 2018

VIMAL KUMAR

[PETITIONER / ACCUSED
IN BOTH THE PETITIONS]

Vs

THE INSPECTOR OF POLICE [RESPONDENT
F-2, EGMORE POLICE STATION, IN BOTH THE PETITIONS]
CHENNAI, CR.NO.429 OF 2018.
AND CR.NO.433 OF 2018

For Petitioner : M/S.R.THIRUMOORTHY Advocate
[IN BOTH THE PETITIONS]

For Respondent : MR. M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR
[IN BOTH THE PETITIONS]

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

CRL.OP.No.18714 of 2018

The petitioner seeks anticipatory bail in Crime No.429 of 2018 registered by the respondent police for the offence punishable under Sections 341, 294(b), 323, 506(i) of IPC and Section 3 of TNPPDL Act.

2. The case of the prosecution is that on 18.07.2018, while the defacto complainant driving his Auto Rickshaw near Egmore P.G.School, one Nirmalkumar and two others, who were in an inebriated condition, waylaid the defacto complainant and abused him with filthy language and caused damage to the Auto Rickshaw and threatened him by showing knife.

CRL.O.P.No.19191 of 2018

3. The petitioner seeks anticipatory bail in Crime No.433 of 2018 registered by the respondent police for the offence punishable under Sections 341, 294(b), 336, 427, 397 and 506(ii) of IPC.

4. The case of the prosecution is that while the defacto complainant driving his two wheeler near Egmore Marshall Road, one Nirmalkumar and two others abused him with filthy language and

threatened him by showing knife and snatched his Cell phone and an amount of Rs.250/- from his pocket.

5. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that both of the cases, he has been stated to be involved in offence along with Nirmalkumar, who is absolutely a stranger to him. He would also submit that the respondent police, in order to detain the said Nirmalkumar, had registered these false cases against him. He would submit that apart from these two cases, the petitioner has not involved in any other case.

6. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner, who is an associate of Nirmalkumar along with other accused waylaid and robbed the amount from the defacto complainant in both the cases. He would submit that apart from these two cases, the petitioner has no previous case against him.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the counsel on either side, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 XIV Metropolitan Magistrate, Egmore, 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 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30.a.m., and 5.30.p.m, until further orders.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner 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 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]**;

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
01/08/2018

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 XIV METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.

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

3 THE INSPECTOR OF POLICE
F-2, EGMORE POLICE STATION, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges in SR.NO. 14343, 14344

CRL OP.Nos.18714 and 19191 of 2018

Date :01/08/2018

MLT-09/08/2018

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