

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the First day of February Two Thousand Eighteen

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.2707 of 2018

SANTHANARAJ

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
KANNAGI NAGAR POLICE STATION,
OKKIYAMBAKKAM,
KANCHEEPURAM DISTRICT,
CR.NO.37/2018.

[RESPONDENT]

For Petitioner : M/S.S.SUGUMAR Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 294(b), 427 and 506(ii) of IPC and r/w Section 4 of Women Harassment Act in Crime No.37 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioner is subscribed a chit with the defacto complainant and when the petitioner asked the above said chit money there was a dispute arose between them and it is alleged that the petitioner assaulted the defacto complainant.

4. The learned counsel for the petitioner submits that the petitioner is no way connected with the offence and he has been falsely implicated in this case and hence, the petitioner may be granted anticipatory bail.

5. The learned Additional Public Prosecutor submitted that the investigation not yet completed and opposed to grant anticipatory bail.

6. Taking note of the above fact, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned XXX Judicial Magistrate, Alandhur, within a period of 15 days from the date of receipt of a copy of this order, on his executing 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 learned Magistrate concerned and on further conditions that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the Investigating Officer as and when required for interrogation to enable him to complete the investigation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

01/02/2018

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.XXX, ALANDHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KANNAGI NAGAR POLICE STATION,
OKKIYAMBAKKAM,
KANCHEEPURAM DISTRICT.

+1CC to M/S.S.SUGUMAR Advocate on payment of necessary charges
SR NO.2295

CRL OP.2707/2018

Date :01/02/2018

MK:05/02/2018