

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of June Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15620 of 2018

& CRL.MP.NO.8288 OF 2018

1 SERMADURAI
2 MARISELVAM

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
J-7, VELACHERY POLICE STATION,
CHENNAI.
CR. NO. 825 OF 2018.

[RESPONDENT]

V.RAMESH KUMAR [DEFACTO COMPLAINANT / INTERVENOR]
Ordered as per order of this Court dated 21/06/2018 made in
CRL.MP.NO.8288 OF 2018

For Petitioner : M/S.LAW VISION Advocate

For Respondent : MR.M.MOHAMED RIYAZ, ADDITIONAL PUBLIC PROSECUTOR

For Intervenor : MR.J.THOOYAMANI Advocate

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.825 of 2018 registered by the respondent police for the offence punishable under Sections 294(b), 341, 323 and 506(ii) of IPC.

2. The case of the prosecution as per the defacto complainant is that he is a practicing advocate and that on 07.06.2018, the petitioners abused him with filthy language and assaulted him in front of his house.

3. The learned counsel for the petitioners submitted that the petitioners are Auto drivers, due to previous enmity, a false complaint has been given by the defacto complainant, who is an Advocate.

4. The learned counsel for the intervenor strongly opposed to grant anticipatory bail stating that the petitioners are rowdy elements and that they belonging to a gang of hooligans and that

they have threatened the Advocate in front of his house.

5. The learned Additional Public Prosecutor appearing for the State would submit that the petitioners waylaid the defacto complainant, abused him with filthy language and assaulted him and also criminally intimidated him. He would further submit that the injured has been discharged from the hospital.

6. Taking into consideration the facts of the case and also the submission made by the counsel on either side 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 petitioners with certain conditions.

7. 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 XVIII Metropolitan Magistrate, Saidapet, Chennai-600 015, 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 stay at Salem and report before the Fairland police station daily at 10.30.a.m., and 5.30.p.m., for a period of two weeks and thereafter, as and when required for interrogation;

(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/-
21/06/2018

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 METROPOLITAN MAGISTRATE,
NO.XVIII, SAIDAPET, CHENNAI-600 015.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-7, VELACHERY POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE,
FAIRLAND POLICE STATION,
SALEM

+1CC to M/S.LAW VISION Advocate on payment of necessary
charges SR NO.11239

+1CC to M/S.J.THOOYAMANI Advocate on payment of necessary
charges SR NO.11220

CRL OP.15620/2018
& CRL.MP.NO.8288 OF 2018

Date :21/06/2018

MK:27/06/2018