

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Second day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.25926 of 2018

N.MOHANDOSS,

[PETITIONER / ACCUSED]

Vs

STATE BY,

[RESPONDENT]

THE INSPECTOR OF POLICE,
C-1 FLOWER BAZAAR POLICE STATION,
CHENNAI. CR.NO.477 OF 2018.

For Petitioner : M/S.E.C.MURALI Advocate

For Respondent : MR. R.RAVICHANDRAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 353, 336, 307, 506(ii) IPC and Section 25(1A) of Arms Act, 1959 in Crime No.477 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner along with other accused who are all students of Presidency College. While they were travelling in the bus, they shuffled long knife on the road and threatened the co-passengers and the general public. Hence, a case has been registered against the petitioner by the respondent police.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. co-accused has already been granted anticipatory bail by the learned Sessions Court, Chennai in Crl.M.P.No.11242 of 2018 17.07.2018 and the other co-accused were enlarged on bail by this Court in Crl.O.P.No.16825 of 2018 and Crl.O.P.No.19077 of 2018 on 25.07.2017 and 07.08.2018 respectively. Accordingly, prays for anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that the other accused persons have been arrested and remanded to judicial custody. There is no other cases are pending against the petitioner.

5.Considering the fact, that the anticipatory bail application of this petitioner had been dismissed for two times on the ground that the petitioner was having two previous case. The law enforcing agency has not shown any interest to arrest the accused person. The petitioner is very much available in the locality and also considering the fact that the co-accused has already been granted anticipatory bail by the learned Sessions Court, Chennai in CrI.M.P.No.11242 of 2018 17.07.2018 and the other co-accused were enlarged on bail by this Court in CrI.O.P.No.16825 of 2018 and CrI.O.P.No.19077 of 2018 on 25.07.2017 and 07.08.2018 respectively. The same wasnot disputed by the Government Advocate, this Court is inclined to grant anticipatory bail to the petitioner.

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 III Metropolitan Magistrate, George Town, 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 learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate / Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30.a.m. until further orders for interrogation;

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

(e)the petitioner shall not abscond either during investigation or trial;

(f)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]**; and;

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

-sd/-
22/11/2018

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,
GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C-1 FLOWER BAZAAR POLICE STATION,
CHENNAI.

+1 CC to M/S.E.C.MURALI Advocate on payment of necessary charges-
Sr.22220

सत्यमेव जयते

CRL OP.25926/2018

Date :22/11/2018

ths : 26.11.2018

WEB COPY