

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.5168 of 2019

D.DESINGH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
N4, FISHING HARBOUR POLICE STATION,
CHENNAI. CR.NO.27 OF 2019.

For Petitioner : M/S.R.HARIHARAN Advocate

For Respondent : MRS.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 324, 307 and 506 (ii) of IPC in Crime No.27 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the accused persons had attacked the de-facto complainant and the de-facto complainant has sustained injuries.

3.The learned counsel for the petitioner would submit that there was a case and counter and based on the complaint given by this petitioner, the respondent police registered a case in crime No.28 of 2019__against the de-facto complainant and others. The de-facto complainant and others approached the Sessions Court and have already obtained Anticipatory Bail. The learned counsel further submitted that this petitioner is added as A3 and he has got nothing to do with the alleged offence.

4.The learned Additional Public Prosecutor would submit that both the groups attacked each other and injury was sustained by the members belonging to both the groups.

5.Considering the above facts and circumstances, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on <https://services.e-courts.gov.in/services/> arrest or on his appearance, within a period of

fifteen days from the date on which the order copy made ready, before the learned XVI Judicial Magistrate, George town, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

26/02/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XVI, JUDICIAL MAGISTRATE,
GEORGE TOWN.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.

<https://hcservices.ecourts.gov.in/hcservices/>
[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

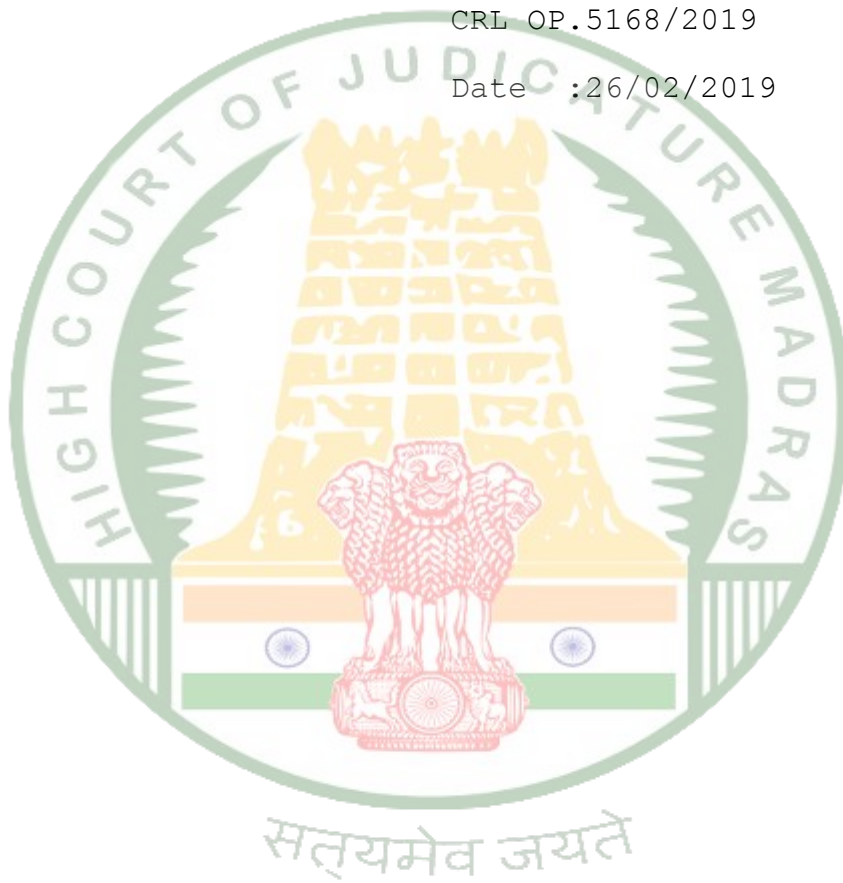
4 THE INSPECTOR OF POLICE,
N4, FISHING HARBOUR POLICE STATION,
CHENNAI.

+1 CC to M/S.R.HARIHARAN Advocate on payment of necessary
charges-Sr.4201

CRL OP.5168/2019

Date :26/02/2019

ths : 28.02.2019



WEB COPY