

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.5436 of 2019

C.SENTHIL

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
C.B.C.I.D TIRUVARUR POLICE STATION,
TIRUVARUR DISTRICT -612601
CR.NO.02 OF 2007.

[RESPONDENT]

For Petitioner : M/S.M.VELMURUGAN 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, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 452, 436, 427, 395 & 506 (ii) of I.P.C & 3(1) of T.N.PPDL Act in Crime No.2 of 2007 on the file of the respondent police, seeks anticipatory bail.

2. According to the petitioner, the defacto complainant has shot dead two persons on political rivalry. Agitated by the said act, an angry mob protested before the defacto complainant's property and the same was damaged.

3. The learned counsel for the petitioner submitted that petitioner is an innocent person and he has been falsely implicated in the present case.

4. The learned Additional Public Prosecutor submitted that the injured has already been discharged from the hospital.

5. Considering the facts and circumstances of the case and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on <https://services.courts.gov.in/publicservices/> 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 Chief Judicial Magistrate I, Thiruvavarur, on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five 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 said Magistrate, 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] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[c] the petitioner shall report before the respondent police as and when required 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/-

06/03/2019

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

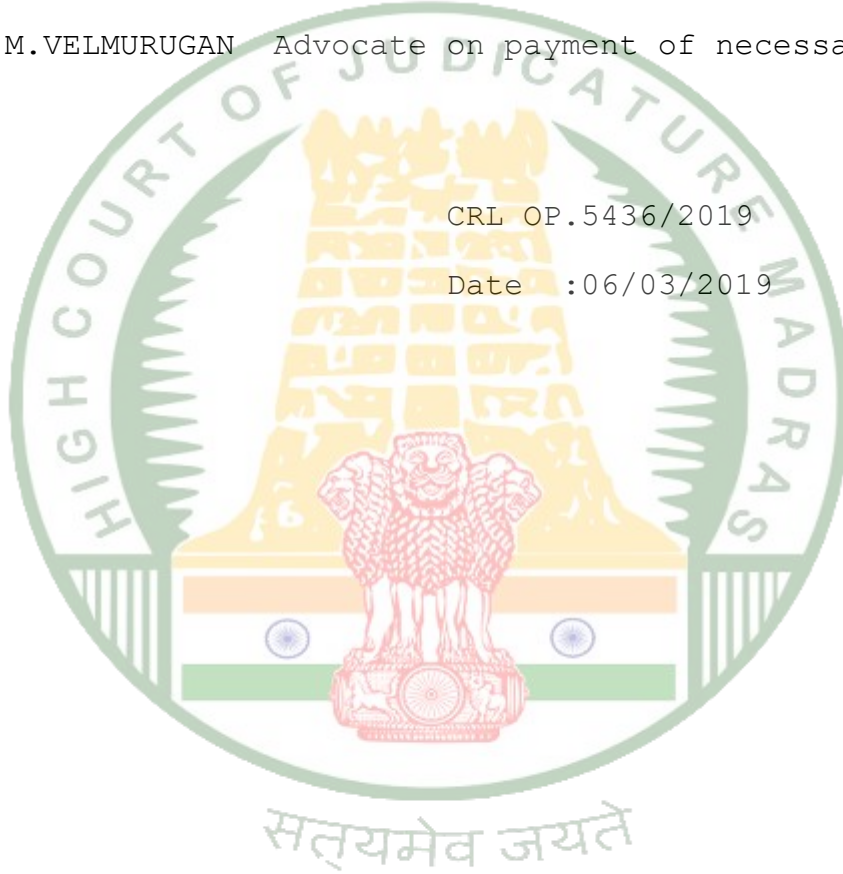
1 THE CHIEF JUDICIAL MAGISTRATE, I,
THIRUVARUR.

2 THE INSPECTOR OF POLICE,
C.B.C.I.D TIRUVARUR POLICE STATION,
TIRUVARUR DISTRICT -612601

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.VELMURUGAN Advocate on payment of necessary
charges-Sr.4839

ths : 08.03.2019



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