

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.17747 of 2019

RAJA

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE [RESPONDENT]

M-8, SATHANGADU POLICE STATION,
CHENNAI.

CR.NO.164 OF 2019

For Petitioner : M/S.C.PRAM KUMAR Advocate

For Respondent : MRS.M.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 offences punishable under Sections 294(b), 332, 506(ii) of I.P.C. in Crime No.164 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on 04.06.2019, defacto complainant and constable Sivakumar were in Patrol duty at Sathyamurthy Nagar beyond RNC Building at the time Subhash (A-1), Raja (A-2), Sarala (A-3) were involved in quarrel with some other persons. Thereafter defacto complainant enquired about the said quarrel, for that accused abused in filthy language, assaulted the defacto complainant and he was injured and also gave the life threat to the defacto complainant with iron rod. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the while all the accused standing in the occurrence place, at the time defacto complainant came and misbehave with Sarala A-3, for that A-1 and A-2 questioned the defacto complainant. For that reason defacto complainant intentionally lodged a false complaint. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the victim has been discharged from the hospital. However, she vehemently opposed to grant anticipatory bail to the petitioner.

5.Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with

certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate, Thiruvottriyur 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., for a period of two weeks and thereafter as and when required for interrogation.

[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/-

08/07/2019

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 JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
THIRUVOTTRIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

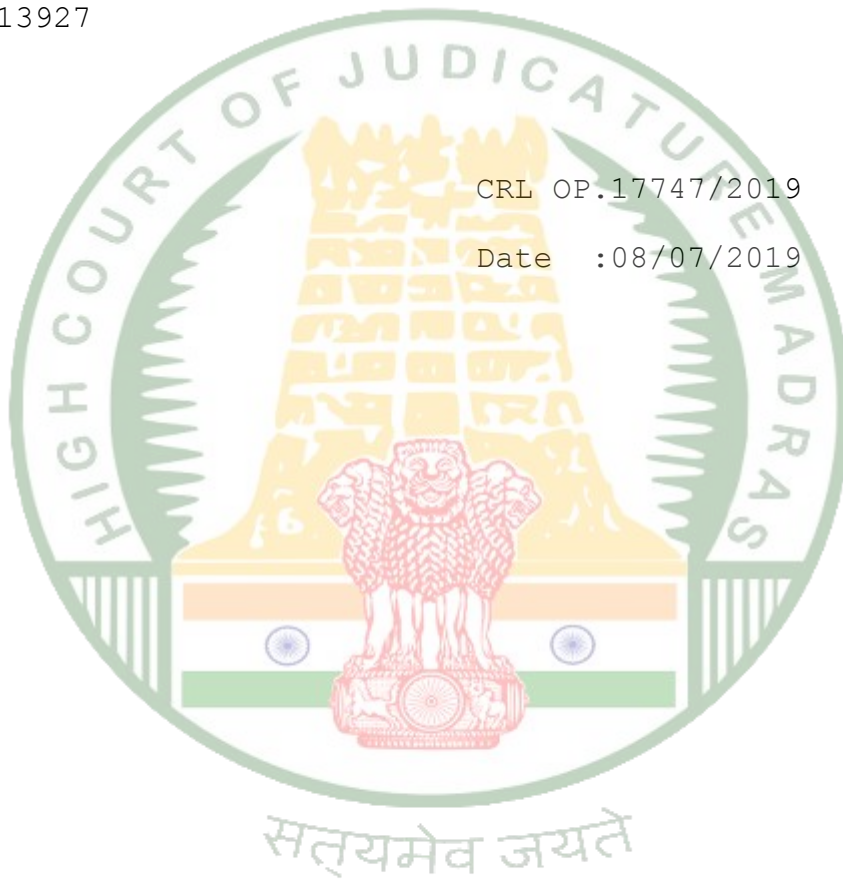
4 THE INSPECTOR OF POLICE
M-8, SATHANGADU POLICE STATION,
CHENNAI.

+1 CC to M/S.C.PRAM KUMAR Advocate on payment of necessary
charges SR.NO. 13927

CRL OP.17747/2019

Date :08/07/2019

RD 12/07/2019



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