

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fourteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL ORIGINAL PETITION Nos.29689 & 29690 of 2017

N.ARJUNAN,

[PETITIONER / ACCUSED IN BOTH
THE PETITIONS]

Vs

THE UNION TERRITORY OF
PUDUCHERRY REP.BY,
THE INSPECTOR OF POLICE,
S.H.O-D NAGAR POLICE STATION,
PUDUCHERRY.
CR.NO.306 & 305 OF 2017.

[RESPONDENT IN BOTH THE
PETITIONS]

For Petitioner : M/S.V.S.SENTHILKUMAR Advocate (in both the
petitions)

For Respondent : MR. D. BHARATHA CHAKARAVARTHY, Public
Prosecutor, Pondicherry (in both the petitions)

PETITION FOR ANTICIPATORY BAIL 438 Cr.P.C.

ORDER : The Court Made the following order :-

These two petitions are filed by the same petitioner
seeking bail.

2.The alleged offences punishable against the petitioner
are under Sections 341, 386 and 506(ii) read with 34 of IPC.

3.Heard Mr.V.S.Senthilkumar, learned counsel appearing for
the petitioner and Mr.D.Bharatha Chakravarthi, learned Public
Prosecutor (Pondicherry) appearing for the respondent.

4.The learned counsel appearing for the petitioner would
submit that, the petitioner is aged about 71 years and he is no
way connected with the aforesaid two cases in Crime Nos.305 and
306 of 2017 on the file of the respondent police.

5.The learned counsel appearing for the petitioner would submit that, as against the very FIR filed in the said two cases, the petitioner has already approached this Court by filing CrI.O.P.Nos.570 of 2018 and 571 of 2018, seeking to quash the very FIR in Crime Nos.305 and 306 of 2017. He would further submit that in the said two cases, this Court by orders dated 09.01.2018 has passed the following orders:

"3.However, since the petitioner has made out a *prima facie* case, there shall be an order of interim stay of investigation in Crime No.305 of 2017 on the file of the Inspector of Police, S.H.O. - D Nagar Police Station, Puducherry, insofar as the petitioner herein is concerned till 27.02.2018.

4.Learned Government Advocate (CrI.Side) takes notice for the first respondent. Notice to the second respondent, returnable by 27.02.2018. Private notice is also permitted.

-Sd/-
09.01.2018"

"3.However, since the petitioner has made out a *prima facie* case, there shall be an order of interim stay of investigation in Crime No.306 of 2017 on the file of the Inspector of Police, S.H.O. - D Nagar Police Station, Puducherry, insofar as the petitioner herein is concerned till 27.02.2018.

4.Learned Government Advocate (CrI.Side) takes notice for the first respondent. Notice to the second respondent, returnable by 27.02.2018. Private notice is also permitted.

-Sd/-
09.01.2018"

6.In view of the said fact that interim stay granted by this Court in respect of investigation in Crime Nos.305 and 306 of 2017, confining the petitioner at the age of 71 years is a futile exercise and therefore, on that ground itself, the petitioner is entitled to be released on bail.

7.Per contra, Mr.D.Bharatha Chakravarthy, learned Public Prosecutor (Pondicherry) appearing for the respondent, by relying upon the counter filed separately in these two petitions, would submit that, the petitioner and his son one Ramesh @ Senthil have involved in number of crimes in the Union Territory of Puducherry and insofar as Ramesh @ Senthil, who is A1 in this case is concerned, there are 21 cases pending. Like that, insofar as the present petitioner/A2, who is the father of A1 is concerned, there are 6 cases pending. The learned Public Prosecutor (Pondicherry) appearing for the respondent would

further submit that, A1 has already been confined under Goondas Act by the District Collector of Puducherry and still he is under detention. Insofar as the petitioner is concerned, since he has also involved in number of cases and if he is let off jail, again he will indulge in unlawful and illegal activities and thereby, the law and order in that locality will be deteriorated.

8.It is further submitted by the learned Public prosecutor that as against the order of Stay granted by this Court in two Criminal Original Petitions, dated 09.01.2018, as referred to above, the respondent prosecution had already filed a vacate stay petition and the same is pending before this Court.

9.I have heard the learned counsel appearing for both sides and perused the materials placed before this Court.

10.Whatever be the objections raised by the respondent Prosecution, the fact remains that, insofar as the said two cases to which the present petitioner is concerned, the very FIRs itself have been questioned before this Court in the said Criminal Original Petitions, where this Court *prima facie* has shown its indulgence in the FIR and thus, the investigating agency is restrained to proceed further. When that being the position, as rightly pointed out by the learned counsel appearing for the petitioner, keeping the petitioner inside the prison, as a pre-trial prisoner, certainly, is not required now and therefore, in view of the said factor, this Court is of the view that the petitioner can be released on bail. Accordingly, this Court is inclined to pass the following orders:

"1.The petitioner/accused shall be released on bail by executing a bond for Rs.50,000/- (Rupees fifty thousand only) in each case, with two sureties, out of which, one shall be a Government surety, each for a likesum to the satisfaction of the learned Judicial Magistrate No.I, Puducherry, within a period of two weeks from the date of receipt of a copy of this order.

2.The petitioner on releasing on bail shall stay at Karaikal and report before the Karaikal Town Police Station, daily at 10.30 a.m., until further orders."

-sd/-

14/02/2018

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 JUDICIAL MAGISTRATE,
NO.I, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
PUDUCHERRY

4 THE UNION TERRITORY OF
PUDUCHERRY REP.BY, THE INSPECTOR OF POLICE,
S.H.O-D NAGAR POLICE STATION, PUDUCHERRY.

5 THE OFFICER INCHARGE
THE KARAIKAL TOWN POLICE STATION, KARAIKAL

+1 CC to M/S.V.S.SENTHILKUMAR Advocate on payment of
necessary charges Sr.NO.3332

+1 CC to Public Prosecutor, Puducherry on payment of
necessary charges Sr.NO.3190

CRL OPS.29689 & 29690/2017

Date :14/02/2018

MD: 16/02/2018