

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twelfth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL ORIGINAL PETITION No.13890 of 2018

SENKATHIRAVAN,

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
INSPECTOR OF POLICE,
THIRUBUVANAI POLICE STATION,
PUDUCHERRY. CR.NO.44 OF 2018

[RESPONDENT]

For Petitioner : M/S.SWAMI SUBRAMANIAN Advocate

For Respondent : MR. D.BHARATHA CHAKRAVARTHY, PUBLIC PROSECUTOR
(PONDICHERRY)

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police, who had registered a case against him in Crime.No.44 of 2018 for the alleged offence under Section 153-A r/w 34 of I.P.C.

2. The case of the prosecution as stated by the petitioner is that when the defacto-complainant one Manivannan proceeded towards Whirlpool Company Road, at that time, the accused, who is related in the case of murder of one Vellazhagan of the same locality and the other accused, came to attend the Temple festival, with a motive of causing threat to the persons of that locality and tension prevailed between two community people. This petitioner belongs to the higher community. Further, the petitioner submits that he has been falsely implicated in this case and only after the order of condition was relaxed by this Court on 09.04.2018 in CrI.MP.5562 of 2018 in CrI.A.105 of 2018 in respect of A2 , the respondent police once again with an intention to register a case, falsely implicated him and registered the FIR.

3. On the side of the respondent, it is argued that this petitioner is involved in the murder case of one Vellazhagan and the other accused are involved in the same offence and condition imposed on A2 was relaxed and once again, he has involved in the same attitude of creating tension and disharmony in the society because of his higher community. Hence, the respondent police strongly objected for the release of this petitioner on anticipatory bail.

4. It is also argued by the respondent that the case in Crime.No.44 of 2017 is under investigation by CBCID Police. It is also represented by the respondent that the first year anniversary of the deceased Vellazhagan was observed by their community people of this petitioner reviving hatred towards the said community people.

5. It is also strongly objected by the respondent police the petitioner is also involved in 13 cases and 5 cases are under trial and one case is under Section 302 IPC.

6. Considering the pendency of the Trial before the Court at Puducherry, 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 concerned Magistrate, on the following conditions:

(i) that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties one is Government Servant each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and out of the said two sureties, one shall be a Government Servant.

(ii) the petitioner is directed to report before the respondent police daily at 10.30a.m and also at 5.30 p.m until further orders.

(iii) the petitioners shall not tamper the evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(vi) On breach of any of the aforesaid conditions, the anticipatory bail granted shall stand dismissed and 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 is 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].

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

-sd/-
12/06/2018

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.IV, PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PONDICHERRY.

3 THE INSPECTOR OF POLICE,
THIRUBUVANAI POLICE STATION,
PUDUCHERRY.

+1 CC to M/S.SWAMI SUBRAMANIAN Advocate on payment of necessary charges-Sr.10516

+1 CC to THE PUBLIC PROSECUTOR, PONDICHERRY-Sr.10503

CRL OP.13890/2018

Date :12/06/2018

ths : 18.06.2018