

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.5618 of 2019

VAYAPURI MANIKANDAN @ MANIKANDAN

[PETITIONER / ACCUSED]

Vs

THE STATION HOUSE OFFICER
MUTHIALPET POLICE STATION,
PUDUCHERRY. CR.NO.12 OF 2019

[RESPONDENT]

For Petitioner : M/S.R.SREEDHAR Advocate

For Respondent : MR. V.BALAMURUGANE, PUBLIC PROSECUTOR (PONDICHERY)

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 294(b), 323, 324, 34, 506 (ii) of IPC altered to 147, 148, 294 (b), 323, 324, 506 (ii) r/w 149 IPC in Crime No.12 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a dispute regarding construction of drainage in the area and the defacto complainant is said to have been abused in filthy language and he was also assaulted by the accused persons with hands. There are totally five accused persons in this case and this petitioner has been added as A5.

3. The learned counsel for the petitioner submitted that the entire case insofar as this petitioner is concerned, is false. The learned counsel submitted that the present petitioner is a sitting MLA and the complaint itself has been given only with a view to cause harassment to this petitioner. The name of this petitioner was not even mentioned in the F.I.R and this petitioner has been roped in at a later point of time.

4. The learned Additional Public Prosecutor submitted that the defacto complainant was abused in filthy language and was assaulted, due to which, he sustained injuries and he was treated as outpatient and discharged on the same day. The learned counsel further submitted that this petitioner had also joined the other accused persons and joined the defacto complainant and that is the reason

why this petitioner was also added as an accused person in this case.

5. Taking into consideration the facts and circumstances of the case and also the fact that A1 to A4 have already been granted anticipatory bail by the Principal Session Court, Pudhucherry and this petitioner is a sitting MLA, 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 anticipatory 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 learned Judicial Magistrate II, Puducherry, 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 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 fail 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 JUDICIAL MAGISTRATE,
NO.II, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE STATION HOUSE OFFICER,
MUTHIALPET POLICE STATION,
PUDUCHERRY.

CC to M/S.R.SREEDHAR Advocate on payment of necessary charges

+1 THE PUBLIC PROSECUTOR, PUDUCHERRY-Sr.4754

CRL OP.5618/2019

Date :06/03/2019

ths : 11.03.2019

WEB COPY