

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Thirteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3120 of 2020

1 KARNA
2 SAKTHIVEL
3 GANESAN @ AJITH

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY ITS
THE STATION HOUSE OFFICER,
KARAIKAL TOWN POLICE STATION,
KARAIKAL, KARAIKAL DISTRICT,
PUDUCHERRY STATE.
CR.NO.16/2020.

[RESPONDENT]

For Petitioner : M/S.R.MURUGA BHARATHI Advocate

For Respondent : M/S BHARATHA CHAKRAVARTHY, PUBLIC PROSECUTOR
(PUDUCHERRY)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 324, 506(i), 326 of I.P.C. r/w.34 of I.P.C. in Cr.No.16 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to prior enmity the petitioners are alleged to have attacked the defacto complainant.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and would further submit that the petitioners have been falsely implicated in this case.

4.The learned Public Prosecutor (Puducherry) would submit that the injured was treated as outpatient in the hospital.

5.Considering the fact that the injured was treated as outpatient in the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karaikal, Karaikal District, Puducherry State, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners 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;

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

-sd/-

13/02/2020

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, KARAİKAL, KARAİKAL DISTRICT,
PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

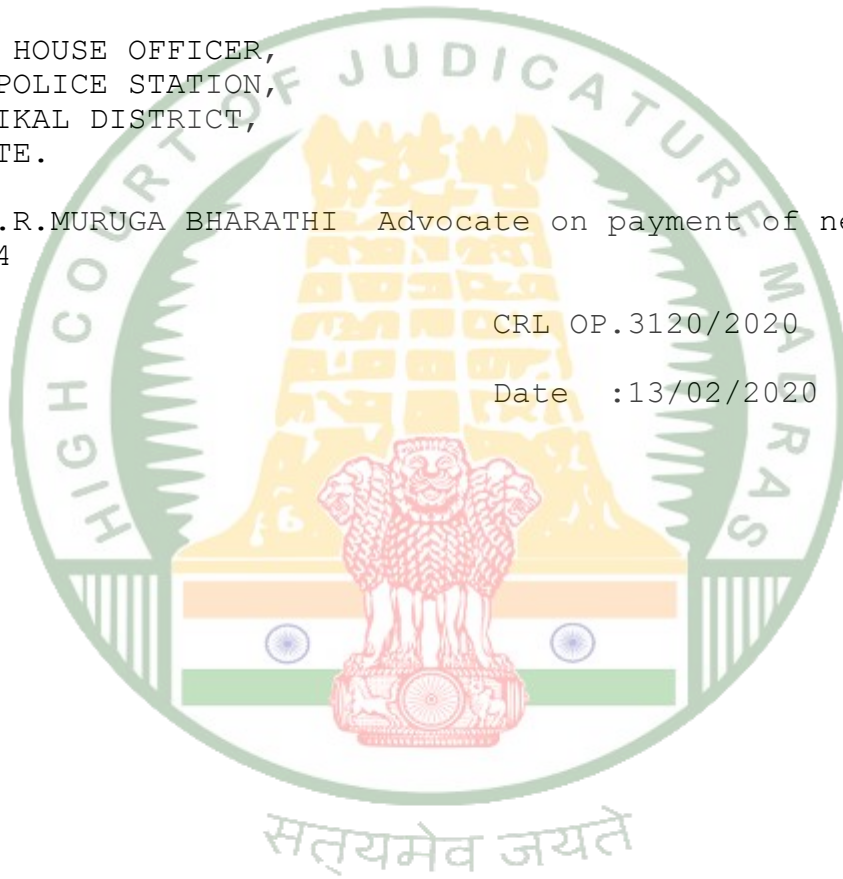
4 THE STATION HOUSE OFFICER,
KARAİKAL TOWN POLICE STATION,
KARAİKAL, KARAİKAL DISTRICT,
PUDUCHERRY STATE.

CC to M/S.R.MURUGA BHARATHI Advocate on payment of necessary
charges Sr.2924

CRL OP.3120/2020

Date :13/02/2020

RVR 17/02/2020



WEB COPY