

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.6714 of 2020

Suresh @ S.Subramanian

... Petitioner

Vs.

Union Territory of Pondichery
represented by
The Inspector of Police,
Muthialpet Police Station,
Puduchery District.
Crime No.11 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on anticipatory bail in the event of his arrest by respondent Police in Crime No.11 of 2020 pending on the file of the Inspector of Police, Muthialpet Police Station, Puducherry District.

For Petitioner : Mr.C.M.Suresh Arockianathan

For Respondent : Mr.Balamurugan
Additional Public Prosecutor (Pondicherry)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 507 & 506(ii) of IPC in Crime No.11 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that as per the defacto complainant who is the father of the victim, the petitioner sent abused and annoying message to his daughter in whatsapp.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant's daughter are known to each other and they are friendly with each other. The defacto complainant coming to know of their relationship, has given a false

complaint against the petitioner to compel him to sever the relationship with his daughter. He further submitted that he prepared to appear before the respondent Police for investigation. He would further submit that since his daughter refused to give the complaint, the defacto complainant has preferred the complaint.

4.The learned Additional Public Prosecutor (Pondicherry) would submit that the petitioner by sending abusive message to the daughter of the defacto complainant in whatsapp had annoyed her. He would also submit that one previous case registered against him in Crime No.144 of 2019 before the Tirunelveli Police Station.

5.Taking into consideration of the facts and circumstances and submission of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[a]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 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] 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.

[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]**.

[g] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

With the above directions, the criminal original petition is ordered.

-sd/-

10/07/2020

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,
PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE,
PUDUCHERRY [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
PUDUCHERRY.

4 THE INSPECTOR OF POLICE,
MUTHIALPET POLICE STATION,
PUDUCHERRY DISTRICT.

CC to M/S.C.M.SURESH AROCKIANATHAN Advocate on payment of
necessary charges

CRL OP.6714/2020

Date :10/07/2020

MN-RD-17/08/2020

WEB COPY