

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Crl.O.P.No.6688 of 2020

D.Oumasudan

... Petitioner

Vs.

The State rep.by,
The Station House Officer,
Lawspet Police Station,
Puducherry.
Crime No.75 of 2019.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police in Crime No.75 of 2019 on the file of the respondent police the Station House Officer, Lawspet Police Station, Puducherry.

For Petitioner : M/s.V.S.Senthilkumar

For Respondent : Mr. A.Balamurugane
Public Prosecutor (Puducherry)

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 120(b), 406, 417, 420, 468, 471 and 34 of IPC in Crime No.75 of 2019, seeks anticipatory bail.

2. The learned counsel appearing for the petitioner would submit that earlier the petitioner was granted anticipatory bail by this Court in Crl.O.P.No.855 of 2020 dated 06.02.2020. However, due to sickness, he was unable surrender before the Court within the stipulated time and thereby, the earlier order got lapsed. Hence, he again seeks for grant of anticipatory bail to the petitioner.

3. The learned Public Prosecutor (Pondicherry) concurred with the statement of the learned Counsel for the petitioner that the petitioner was earlier granted anticipatory bail by this Court vide Crl.O.P.No.855 of 2020 dated 06.02.2020 and that he did not surrender and execute sureties before the trial Court within the time stipulated by this Court.

4. Heard both sides and perused the records available.

5. Taking into consideration the fact that this Court has already granted anticipatory bail to the petitioner vide CrI.O.P.No.855 of 2020 dated 06.02.2020. However, since, he did not surrender before the trial Court and execute sureties within the time stipulated by this Court, the order dated 06.02.2020 got lapsed. Thereby, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest his arrest by the respondent police or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.1, 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:

[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] the petitioner shall report before the respondent police every Monday at 10.30 a.m. till the disposal of the CrI.O.P.No.3157 of 2019 and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
14/08/2020

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.I, PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER
LAWSPET POLICE STATION,
PUDUCHERRY.

CC to M/S.V.S.SENTHILKUMAR Advocate on payment of necessary charges

CRL OP.6688/2020

Date :14/08/2020

cs 08/09/2020

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