

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2020

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. Nos.8444 & 8445 of 2020

Praba @ Prabavathi ... Petitioner in Crl.O.P.No.8444 of 2020

Manikandan ... Petitioner in Crl.O.P.No.8445 of 2020

Vs.

State represented by ... Respondent in both Crl.O.Ps

The Inspector of Police,
Muthialpet Police Station,
Puducherry.

Crime No.94 of 2019.

Common Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., 1973 to enlarge the petitioners on bail in the event of their arrest in Crime No.94 of 2019 on the file of the respondents Police.

For Petitioner : Mr.S.Aravind

(In both Crl.O.Ps)

For Respondent : Mr.Balamurugan

Additional Public Prosecutor (Puducherry)

COMMON ORDER

The petitioners/A5 and A6, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 120(B), 148, 341, 302, 109 r/w 149 of IPC against P.R.C.No.19 of 2020 in Crime No.94 of 2019 on the file of the respondents police, seek anticipatory bail.

2.Heard the learned counsel appearing on behalf of the petitioners.

3.The learned Additional Public Prosecutor appearing on behalf of the respondents Police submitted that the petitioners have been

arrayed as A5 and A6 and final report has already been filed before the Judicial Magistrate No.II, Puducherry and the same has been taken on file in P.R.C.No.19 of 2020. The learned counsel submitted that the case is at the stage of furnishing the copies of the final report.

4. Taking into consideration the facts and circumstances of the case and also of the fact that the investigation has been completed and final report has been filed and all the other co-accused are also released on bail, this Court is inclined to grant anticipatory bail to this petitioners with certain conditions. 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 on which the order copy made ready, before the learned Judicial Magistrate No.II, Puducherry, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before the learned Magistrate No.II, Puducherry every Monday and Friday at 10.30 a.m., till the case is committed to the Sessions Court.

[c]the petitioners shall report before the learned Judicial Magistrate No.II, Puducherry and thereafter, report before the Sessions Court during every date of hearing without fail.

[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.

-sd/-
11/06/2020

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.

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

CRL OP.8444 & 8445/2020

Date :11/06/2020

TA-19/08/2020