

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.NO.9390 of 2020

1. Ramesh
S/o, Ramasamy
2. R.Velu,
S/o Ramasamy
3. R.Udhaya
S/o, R.Ramesh
4. R.Vishnu
S/o, R.Ramesh

All are residing at,
No.75, Odai Street,
Veeman Nagar,
Puducherry -9.

... Petitioners/A1 to A4

Vs.

The State rep by
The Inspector of Police,
Mettupalayam Police Station,
Puducherry.

... Respondent

Prayer : Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of arrest in Crime No.0095 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Gnana Sekar

For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor
Pondicherry.

* * * * *

ORDER

The Petitioners who are apprehending to arrest by the respondent police for the offences punishable under Sections 294(b), 332, 34, 506(ii) IPC in Crime No.0095 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is the Sub Inspector of Police and another police when they were on patrolling duty on 20.06.2020, received a message over phone with allegations that some persons have made illegal construction in the Government Poramboke land. When they were questioned about the same, they were attacked by the petitioners. Hence the complaint.

3. The learned counsel for the petitioners would submit that the first and the second petitioner are Government servants and the third and fourth petitioners are the sons of the first petitioner herein. On the false information, they have beaten up by the police personnels. Therefore a false complaint has been lodged as against the petitioners as if they threatened and beaten the police officials. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor has submitted that the defacto complainant is the police official and when he questioned about the illegal construction in the Government poramboke land, the petitioners beaten up the police officials and also threatened them with dire consequences. Hence he vehemently opposed to grant anticipatory bail to the petitioners.

5. It is seen that there are totally four accused in which the petitioners arrayed as A1 to A4. The first accused is working in the Public Works Department, Puducherry and the second accused is working at PAPSCO.

Third and fourth petitioners are the sons of the first petitioner herein. Regarding construction of building, there was a dispute between the police officials and the petitioners.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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.IV, Puducherry on condition that each of the petitioners shall execute a separate 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 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 first and second petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation and the third and fourth petitioner shall report before the respondent police 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 petitioners 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]**.

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

7. Accordingly, this Criminal Original Petition is ordered.

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26.06.2020

Internet: Yes/No
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G.K.ILANTHIRAIYAN.,J.

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To

1. The Judicial Magistrate.No.IV,
Puducherry.
2. The Inspector of Police,
Mettupalayam Police Station,
Puducherry.
3. The Public Prosecutor,
Pondicherry.



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