

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.16641 of 2020

Pramod Palliyan

... Petitioner

Vs.

The State represented by
The Inspector of police,
Station House officer,
Mahe, Puducherry 673310
Crime No.52 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in
Crime No.52 of 2020 on the file of the respondent police.

For Petitioner : Mr.R. Sivakumar

For Respondent : Mr.V. Balamurugane
Government Advocate

O R D E R

(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 353 of IPC in Crime No.52 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant who is the Commissioner of Mahe Municipality is that on 28.09.2020 at about 4.30 p.m, the petitioner forcibly entered into the chamber of the defacto complainant and abused him with filthy language. Hence the complaint.

3. The learned Counsel for the petitioner would submit that he is an innocent person and he has been falsely implicated in this case. He would further submit that he is a former Councillor and he has gone to the municipal office to give petition with regard to the grievances of the citizens in his area and he not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate would submit that the petitioner entered into the municipality office and misbehaved with the commissioner of municipality and abused him with filthy language. He would further submit that due to the activity of the petitioner, the defacto complainant was not able to discharge his duties. He would further submit that there is no previous case pending against the petitioner. However, he opposed to grant of anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, 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 Judicial Magistrate, Mahe, 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 day at 10.30 a.m., until further orders.

[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 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
16/10/2020

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,
MAHE.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
STATION HOUSE OFFICER,
MAHE, PUDUCHERRY-673 310.

+1 CC to M/S.R.SIVASANKAR Advocate on payment of necessary charges
SR.No.6996

सत्यमेव जयते

CRL OP.16641/2020

cs 21/10/2020

Date :16/10/2020

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