

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.19629 of 2020

1.Saran
2.Vijay

...Petitioners

Vs.

The State rep. By
The Inspector of Police
Mangalam Police Station
Puducherry
Crime No.196 of 2020

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.196 of 2020 pending investigation on the file of the respondent police.

For Petitioners: Mr.N.Mahendra Babu

For Respondent : Mr.Balamurugane
Public Prosecutor, Puducherry

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324, 506(ii) and 34 of IPC, in Crime No.196 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Jayalakshmi is that she is running a petty shop and on the date of occurrence, after closing the petty shop, the petitioners in an inebriated condition asked for a cigarette. When the de-facto complainant stated them that she closed the shop, the petitioners abused and quarrelled with her and also assaulted her husband and brother and thereby, caused injuries.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners had handed over Rs.500/- to the de-facto complainant and asked for change. At that time, there was a quarrel and a false complaint has been given. He would further submit that the de-facto

complainant's husband and brother have assaulted the petitioners, for which a complaint has been given by the petitioners. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Public Prosecutor, Puducherry would submit that the de-facto complainant is running a petty shop. On the date of occurrence, the petitioners had gone there, in an inebriated condition and asked for cigarette and when the de-facto complainant said that she closed the shop, the petitioners abused her and also assaulted her husband and brother. He would further submit that as far as the 1st petitioner is concerned, he has got one previous case for the offence under Section 323 of IPC.

5. Heard both sides and perused the FIR.

6. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 of receipt of a copy of this order, before **the learned Judicial Magistrate No.IV, Puducherry**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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 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 petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners 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 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 55601

<https://hcservices.ecourts.gov.in/hcservices/>

[g] If the accused thereafter absconds, a fresh FIR can be

registered under Section 229A IPC.

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

-sd/-
22/12/2020

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.IV, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE,
PUDUCHERRY [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
PUDUCHERRY.

4 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
PUDUCHERRY.

+1 CC to M/S.N.MAHENDRA BABU Advocate on payment of necessary charges SR NO.8636

सत्यमेव जयते

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Date :22/12/2020

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