

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.12.2020

CORAM

THE HONOURABLE MR. JUSTICE G. CHANDRASEKHARAN

CrI.O.P.No.20996 of 2020

Jayamoorthi

... Petitioner

Versus

State rep.by

... Respondent

The Inspector of Police,
Muthialpet Police Station,
Puducherry.
(Crime No.158 of 2020)

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail, in the event of his arrest in connection with Crime No.158 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.P.Sathiyamurthy

For Respondent : Mr.Balamurugan,
Additional Public Prosecutor,
Puducherry.

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b) and 506(i) of IPC, in Crime No.158 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a fisher-woman, who sells box-fish in Lawspet Market along with few persons. The de-facto complainant handed over the work relating to sale of the fish to a new persons. According to the petitioner, he is an existing seller, who questioned her about the change of the persons for sale of fish. At that time, the petitioner abused the de-facto complainant and her husband in filthy language and threatened them with dire consequences. Hence, the complaint.

3.Heard the submissions made by the learned counsel for the petitioner and learned Government Advocate (CrI.side) appearing for the respondent/ police.

4.The learned Additional Public Prosecutor, Puducherry appearing for the respondent police would submit that the petitioner used filthy language and threatened the de-facto complainant with criminal intimidation. He would further submit that first information report was registered on 12.12.2020 and the investigation appears to have been completed now. However, he oppose granting anticipatory bail to the petitioner.

5.Considering the nature of offence alleged against the petitioner and facts and circumstances of the case, and the fact that there is no bad antecedent against petitioner, this Court is of the considered view that the petitioner may be released on anticipatory bail subject to the following conditions.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, 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 and on the further conditions 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 daily at 10.30 a.m. for a period of two weeks 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
30/12/2020

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 COURT,
NO.II, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S.A.P.SATHIYAMURTHY Advocate on payment of
necessary charges SR.NO.8778

CRL OP.20996/2020

Date :30/12/2020

TA-07/01/2021

WEB COPY