

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.03.2021
CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3718 of 2021

Kirubakaran

... Petitioner

-Vs-

The State Rep by
The Inspector of Police,
Kalapet Police Station,
Puducherry.
Crime No.98 of 2020.

... Respondent

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.98 of 2020 on the file of the respondent police pending investigation.

For Petitioner : M/s.R.S.Beulah
For Respondent : Mr.V.Balamurugane
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 offences under Sections 120(B), 109, 448, 307, 511, 506(ii) r/w section 34 of IPC, in Crime No.98 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. Totally there are 6 accused persons involved in this case and the petitioner is arrayed as A6. The case of the prosecution is that A1's wife had illegal intimacy with the father of the defacto complainant, due to some, A1 engaged all the other accused and attacked him and caused injuries. Hence, the complaint was registered.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit that co-accused had already been arrested and thereafter he was released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is a habitual offender. He would further submit that co-accused had already been arrested and thereafter he was released on bail. He further submitted that there are four previous cases pending as against the petitioner. He would further submit that the injured person has been discharged from the hospital. However, he opposed for anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and that the injured person has been discharged from the hospital and co-accused had already been arrested and thereafter he was released on bail and the investigation is almost completed, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy made ready, before the learned Judicial Magistrate- 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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., 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/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 229A IPC.

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

-sd/-

22/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1.THE JUDICIAL MAGISTRATE No.II, PUDUCHERRY.

2.THE CHIEF JUDICIAL MAGISTRATE,
PUDUCHERRY DISTRICT.(FOR INFORMATION).

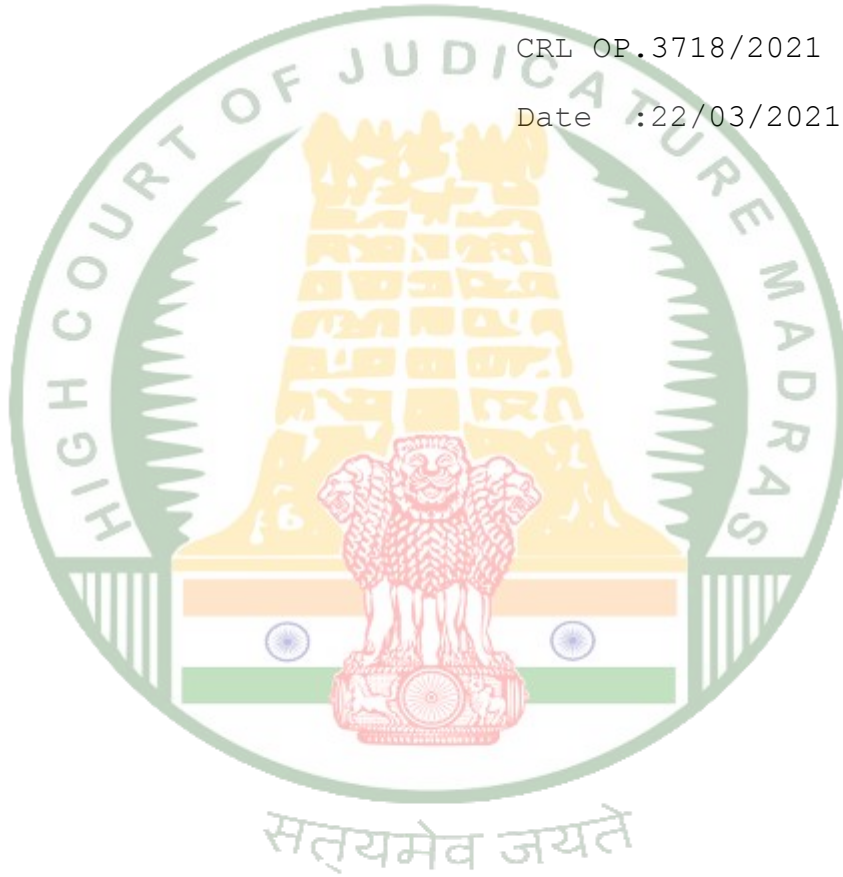
3.THE PUBLIC PROSECUTOR
PUDUCHERRY.

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

CRL OP.3718/2021

Date :22/03/2021

TK/17.04.2021



WEB COPY