

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4699 of 2021

Viji @ Vijayan

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Villianur Police Station,
Pondicherry
(Crime No.41 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.41 of 2021, on the file of the Respondent police.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr.V.Balamurugane
Public Prosecutor, Puducherry

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 294(b), 324 and 506(ii) of IPC in Crime No.41 of 2021, on the file of the respondent, seeks anticipatory bail.

2.The case of the prosecution is that on the date of occurrence, there was a wordy quarrel between the petitioner and the de-facto complainant, as a result of which, the petitioner abused the de-facto complainant with filthy language and assaulted her and also criminally intimidated her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Public Prosecutor, Puducherry would submit that on the date of occurrence, in a wordy quarrel, the petitioner assaulted the de-facto complainant, due to which, she sustained injuries. He

would further submit that the injured has been treated as outpatient. However, he opposed to grant anticipatory bail to the petitioner.

5.Considering the fact that the occurrence took place in a wordy quarrel and also taking note of the fact that the injured has been treated as outpatient, 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, No.III, Pondicherry, 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 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 229A IPC.

-sd/-
12/03/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE INSPECTOR OF POLICE,
VILLIANUR POLICE STATION,
PONDICHERRY.

CC to M/S.S.VENKATESH Advocate on payment of necessary charges

CRL OP.4699/2021

Date :12/03/2021

TA-15/04/2021