

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Second day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5529 of 2021

RAMAMOORTHY

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE STATION HOUSE OFFICER,
D NAGAR POLICE STATION,
PONDICHERRY
CR.NO.36/2021

For Petitioner : M/S.E.ANBARASAN Advocate

For Respondent : MR.V.BALAMURUGANE, Public Prosecutor for Puducherry

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

This case has been heard through video conference

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 323, 506(II) of IPC and 427 IPC, in Crime No.36 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the defacto complainant are brothers, there was a civil dispute between the petitioner and the defacto complainant, as a result of which, the petitioner had entered into the house of the defacto complainant and attacked him and also damaged the car and caused injuries. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that there is no previous case pending as against the petitioner Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner and the defacto complainant are brothers, there was a civil dispute between the petitioner and the defacto complainant, as a result of which, the petitioner had entered into the house of the defacto complainant and attacked him and also damaged the car and caused injuries. He would further submit that the injured person has been discharged from the hospital. Hence, he vehemently oppose for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case that there was a civil dispute between them and there is no previous case pending as against the petitioner and the injured person has been discharged from the hospital, 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-1, 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.

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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, PONDICHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE STATION HOUSE OFFICER,
D NAGAR POLICE STATION,
PONDICHERRY.

+1 CC to M/S.E.ANBARASAN Advocate on payment of necessary charges
SR.No.3894

सत्यमेव जयते

WEB COPY
CRL OP.5529/2021
Date :22/03/2021

cs 30/03/2021