



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Thirtieth day of July Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION Nos.8074 & 8078 of 2021

1 J.ANAND [PETITIONER / ACCUSED
IN CRL.OP.NO.8074/2021]

2 VIKRAMAN @ VIKRAM [PETITIONER / ACCUSED
IN CRL.OP.NO.8078/2021]

Vs

THE STATE REP BY [RESPONDENT
THE INSPECTOR OF POLICE,
T.R.PATTINAM POLICE STATION,
KARAIKAL,
PONDICHERRY BOTH THE PETITIONS]

For Petitioner : M/S.R.VIVEKANANTHAN Advocate
[IN CRL.OP.NO.8074/2021]

For Petitioner : M/S.S.ILLAMVALUTHI Advocate
[IN CRL.OP.NO.8078/2021]

For Respondent : MR. BHARATHACHAKRAVATHY, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

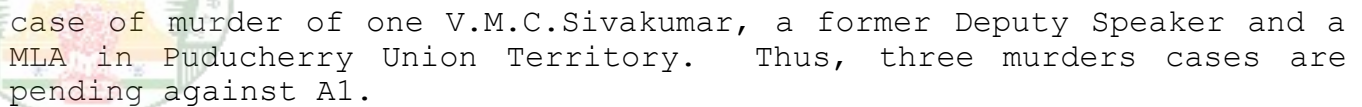
PETITIONS FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, in both the petitions, apprehending arrest at the hands of the respondent police in connection with the case in Crime No. 138 of 2020 for the alleged offence under Sections 386 and 506(ii) of IPC, have come forward with these petitions seeking anticipatory bail.

2. I have heard the learned counsel for the respective petitioners and the learned Public Prosecutor (Puducherry) for the respondent and also perused the records carefully.

3. The defacto complainant is the son of one Ramu @ Radhakrishnan. The said Ramu @ Radhakrishnan was running a Bar at Karaikal, Puducherry along with one Siva Kalimuthu. Al in this case said to have had illicit intimacy with the said Ramu @ Radhakrishnan. In the year 2013, Ramu was murdered by his wife Vinodha. Thereafter, in retaliation, Al said to have employed hooligans and murdered on Ayyappan who was working as Accountant under the said Ramu @ Radhakrishnan. While so, Al was also implicated in yet another



5. The respondent police filed a detailed counter opposing the anticipatory bail application stating that the petitioners had criminally intimidated the de facto complainant and his family members with dire consequences and by putting them under fear of death, A3 said to have obtained their signatures forcibly so as to induct A1 as a partner in the bar business left behind by the deceased, the father of the de facto complainant. It is further stated that the petitioners have got bad antecedents. Earlier, A1 was implicated in the murder case of Vinodha, wife of the deceased Ramu @ Radhakrishnan and mother of the de facto complainant, for which a crime was registered in Crime No.08 of 2013 for offence under Section 302 of IPC. While so, she was implicated in another murder case involving one Ayyappan, who was working as Accountant under the deceased Ramu @ Radhakrishnan. Thereafter, a former Deputy Speaker and a MLA was murdered by A1 in respect of which a crime was registered in Crime No.322 of 2015 on the file of Sirkazhi P.S. Tamil Nadu and the same is pending. Apart from the above, A1 is involved in three murder cases, one attempt to murder case, and three extortion cases, one case involving offences under the Explosives Substances Act, four cases of cheating, one case involving offence under Arms Act and two other cases involving IPC offences. A1 is a notorious criminal and a history sheeted rowdy element and she was detailed twice under the detention Act. If the petitioners are released on bail, they would repeat the offence and tamper with the witnesses and hamper the investigation.

6. Earlier, considering the gravity of the offence and the antecedent of the petitioners, the anticipatory bail applications have been dismissed on the ground that if the petitioners are released on bail, there is likelihood of tampering with the witness and hampering the investigation and also there is likelihood of involving in another offence.

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



co- accused in this case were arrested and released on bail.

8. At this stage, the learned counsel for the petitioners would submit that the petitioners will appear before the respondent police daily and co-operative with the enquiry and they will abide any condition imposed by this Court.

9. Considering the facts and circumstances of the case and also the fact that similarly placed co-accused in this case were released on bail, and investigation in this case is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with some conditions.

10. 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 on which the order copy made ready, before the Judicial Magistrate No.II, Karaikal, Pondicherry on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 the petitions for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

[d] the petitioners 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 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 5560].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.

With the above directions, both the Criminal Original petitions are ordered.

-sd/-
30/07/2021

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.II
KARAIKAL, PUDUCHERRY.

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

3 THE INSPECTOR OF POLICE,
T.R.PATTINAM POLICE STATION,
KARAIKAL, PONDICHERRY

4 THE PUBLIC PROSECUTOR,
PONDICHERRY.

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

CRL OPs.8074 & 8078/2021

Date :30/07/2021

INBA 05/08/2021