

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE S.KANNAMMAL

Crl.O.P.No.9110 of 2021

Karthikeyan

.. Petitioner/Accused-2

Vs.

State Rep. By

.. Respondent/Complainant

The Inspector of Police
Reddiarpalayam Police Station
Puducherry.
(Crime No.53 of 2021)

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 connection with Crime No.53 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.A.Ravi

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

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 punishable under **Sections 148, 450, 307 and 149 IPC in Crime No.53 of 2021**, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was running a private chit and the defacto complainant had subscribed money with the petitioner. Thereafter, the petitioner did not repay the amount to the defacto complainant and it was questioned by the defacto complainant's brother's son. Therefore, on 04.05.2021 at about 1 a.m., the petitioner along with other accused went to the house of the said Boopathy and attacked him with knife due to which, he sustained injuries. Hence, the complaint.

3. The learned counsel appearing 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 grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail.

5. Taking note of the facts and circumstances of the case and also of the fact that the injured 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-III, 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, the petition for anticipatory bail shall stand dismissed and on further condition 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 30 days 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 229A IPC.

-sd/-

13/05/2021

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.III, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

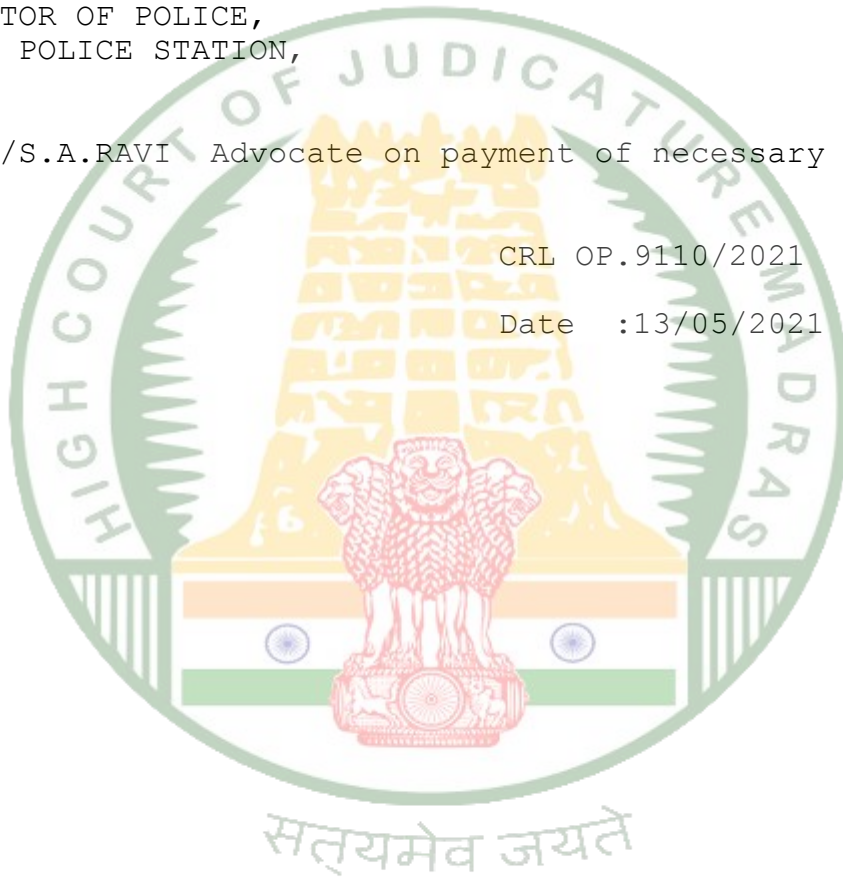
4 THE INSPECTOR OF POLICE,
REDDIARPALAYAM POLICE STATION,
PUDUCHERRY.

+1 CC to M/S.A.RAVI Advocate on payment of necessary charges
SR.NO.6115

CRL OP.9110/2021

Date :13/05/2021

TA-16/06/2021



WEB COPY