

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2021

CORAM :

THE HON'BLE MR. JUSTICE M.SUNDAR

Cr1.O.P.No.10015 of 2021

Baskar

... Petitioner

Vs.

The State rep by
Station House Officer,
Odinsalai Police Station,
Puducherry.
(Crime No.112 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.112 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr.A.Tamilvanan

For Respondent : Mr.Bharatha Chakravarthy,
Public Prosecutor (Puducherry)

O R D E R

(The case has been heard through video conference)

Lone accused in Crime No.112 of 2021, on the file of the Station House Officer, Odinsalai Police Station, Puducherry, has filed the captioned Criminal Original Petition under Section 438 of 'The Code of Criminal Procedure, 1973' ('Cr.P.C.', for the sake of brevity) apprehending arrest for the alleged offences punishable under Section 380 of the 'Indian Penal Code, 1860' ('IPC' for the sake of brevity).

2. Mr.A.Tamilvanan, learned counsel for petitioner submits that the defacto complainant is petitioner's first cousin and the allegation is that the petitioner has taken away some jewellery of the defacto complainant, i.e. jewellery to the tune of 9 ½ sovereigns gold and cash worth Rs.4,000/-. Learned counsel for petitioner submits that the petitioner was working in the Electricity Department of Government of Puducherry and has since retired. Learned counsel submits that

there are no adverse antecedents qua the petitioner or in other words this is his first brush with law. Learned counsel, advertng to the First Information Report ('FIR') dated 28.05.2021 submits that the entire complaint is in the realm of conjunctures and surmises i.e., 'சந்தேகத்தின் பெயரில்'. However, this Court refrains itself from expressing any opinion on this submission at this stage as this is a petition for anticipatory bail.

3. The petitioner is 60 years old.

4. Mr.Bharatha Chakravarthy, Learned Public Prosecutor for Puducherry submits that the petitioner has been elusive. Be that as it may, learned Public Prosecutor, Puducherry submits on instructions that there is no disputation regarding no adverse antecedents for the petitioner.

5. In the light of the narrative thus far, this Court is inclined to accede to the prayer for anticipatory bail on conditions adumbrated infra elsewhere in this order.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Chief Judicial Magistrate, 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 jurisdictional Magistrate on or before 05.07.2021 or within a fortnight from the date of resumption of work of acceptance of sureties by the jurisdictional Magistrate whichever is later and on further conditions that:

(a) the petitioner to appear before the respondent on Mondays and Fridays for a period of three weeks commencing from 14.06.2021 and thereafter as and when required for interrogation;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may direct production of their Aadhar cards or Bank pass Books to ensure/verify their identities;

(c) the petitioner shall not tamper with evidence or witnesses either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) if there is 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 per P.K.Shaji principle being law

laid down by Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];

and

(f) though obvious, it is made clear that, if the accused/petitioner herein thereafter absconds, consequences ingrained in Section 229-A IPC will follow wherever applicable.

-sd/-
08/06/2021

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 CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

3 THE STATION HOUSE OFFICER,
ODINSALAI POLICE STATION,
PUDUCHERRY.

+1 CC to M/S.A.TAMILVANAN Advocate on payment of necessary charges
SR.No.6426

सत्यमेव जयते

CRL OP.10015/2021

Date :08/06/2021

cs 22/06/2021

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