

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20196 of 2020

1. N.Krishnamoorthy ... Petitioners/Accused
2. Sivakumar

-Vs-

The State Represented by the ... Respondent/Complainant
Station House Office,
Thavalakuppam Police Station,
Thavalakuppam, Pondicherry.
(Crime No.363 of 2020)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to release the petitioners on bail, in the event of his arrest in connection with the Crime No.363 of 2020 dated 30.11.2020 on the file of the Station House Officer, Thavalakuppam Police Station, Puducherry.

For Petitioners : Mr.B.Balavijayan

For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor
(Puducherry)

ORDER

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 388, 451 and 506 (ii) r/w 34 of IPC, in Crime No.363 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the tenant and the petitioners are the landlord. On 28.11.2020, the petitioners have trespassed into the house of the defacto complainant and had taken away the Motor Cycle, two silver "Kuthu Vilaku" and two gold watches and also threatened the defacto complainant with dire consequences. Hence, a complaint was registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. The petitioners asked the defacto complainant to vacate their house. Based on the complaint given by the defacto complaint the crime has been registered. Accordingly, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have trespassed into the house of the defacto complainant and had taken away the Motor Cycle, two silver "Kuthu Vilaku" and two gold watches and also threatened the defacto complainant with dire consequences. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5.Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 learned Judicial Magistrate I, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[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 229A IPC.

-sd/-
06/01/2021

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.1, PONDICHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PONDICHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PONDICHERRY.

4 THE STATION HOUSE OFFICE,
THAVALAKUPPAM POLICE STATION,
THAVALAKUPPAM,
PONDICHERRY.

+1 CC to M/S. B.BALAVIJAYAN Advocate on payment of necessary charges SR.NO.196

CRL OP.20196/2020

सत्यमेव जयते Date :06/01/2021

TA-22/01/2021

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