



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20897 of 2021

1 BARATH SANJAI [PETITIONERS / ACCUSED]
2 K.VIJAYAN
3 KANNAN

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
BAHOUR POLICE STATION,
PUDUCHERRY DISTRICT.
CR.NO.208 OF 2021.

For Petitioner : M/S.S.ABDUL KHADHAR, Advocate

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

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

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under **Sections 34, 294(b), 323, and 506(i) of the IPC, in Crime No.208 of 2021**, seek anticipatory bail.

2.The case of the prosecution is that on 21.10.2021 at about 9 p.m. the petitioners attacked the son of the defacto complainant and his friends and when the defacto complainant and his wife tried to pacify them, the father of A1/the 2nd petitioner herein attacked the defacto complainant and his wife and also threatened them with dire consequence. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and a false case has been foisted against them. He



would further submit that there is a case in counter in Crime No.205 of 2021 against the defacto complainant and his son. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor raised formal objection and submitted that no one was injured on the alleged occurrence. He would also admit that there is a case in counter in Crime No.205 of 2021 against the defacto complainant.

5.Considering the fact that no one got injured and there is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 of receipt of a copy of this order, before the **Learned Judicial Magistrate-IV, Puducherry**, on condition that the petitioners shall execute a separate 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall appear 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 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]**; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
08/11/2021

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.IV, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE INSPECTOR OF POLICE,
BAHOUR POLICE STATION,
PUDUCHERRY DISTRICT.

+1 CC to M/S. SYED NIZAMUDDIN AHMED HUS Advocate on payment of
necessary charges SR.NO.12592

CRL OP.20897/2021

Date :08/11/2021

TA-15/11/2021