



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.23063 of 2021

SANDIRASEGARANE

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE STATION HOUSE OFFICER,
ARIYANKUPPAM POLICE STATION,
PONDICHERRY
(CRIME NO.148/2021)

For Petitioner : M/S M.GNANASEKAR 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 :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 153(A) (1) (a), 189, 506(ii) of I.P.C. in Cr.No.148 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner called the STF Police through mobile phone and introduce himself as the president of the Village Peoples Association. It is alleged that the petitioner abused the defacto complainant in filthy language and had given life threatening fear to the defacto complainant and also to his colleague Inspector of Police one Mr.S.Ramesh. It is further alleged that the petitioner threatened them of injury being as member of public servant of complainant and said Inspector. Further A2 called the defacto complainant through his mobile phone and introduced himself as Thamizhvanan and again abused the defacto complainant using filthy language. Hence the Law Enforcing Agency registered a case against the petitioner.



3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and would further submit that though the law enforcing agency claims that there are 15 previous cases as against the petitioner, all the cases are for petty offences except for two cases under section 323 of I.P.C. and the cases were registered by the law enforcement agency for whims and fancy.

4.The learned Additional Public Prosecutor (Pondicherry) submitted that considering the number of previous cases pending as against the petitioner, this Court dismissed the earlier petition filed by the petitioner seeking anticipatory bail.

5.This Court perused the status of the previous cases as against the petitioner. The cases have been registered only for petty offences. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 of receipt of a copy of this order, before the learned Judicial Magistrate - IV, 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 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 Court concerned 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. until further orders;

(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]; and;



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

WEB COPY

-sd/-

03/12/2021

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,
IV, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDHUCHERRY DISTRICT. [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
ARIYANKUPPAM POLICE STATION,
PONDICHERRY.

4 THE PUBLIC PROSECUTOR
PUDHUCHERRY.

+1 CC to M/S M.GNANASEKAR Advocate on payment of necessary charges SR.NO.14061

CRL OP.23063/2021

Date :03/12/2021

RW 09/12/2021