



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21824 of 2021

1. Malladi Sattia Babu @ Malladi Satti Babu
2. Panthagadi Sattia Babu @ Pamthadi Sathibabu
3. Doma Vee Raju @ Dhoma Veer Raju
4. Masakapalli @ Masakapalli Kaya Raju ...Petitioners

Versus

The State rep by
The Inspector of Police
Yanam Police Station,
Puducherry District.
(Crime No.127 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No. 127 of 2021 pending investigation on the file of the respondent police.

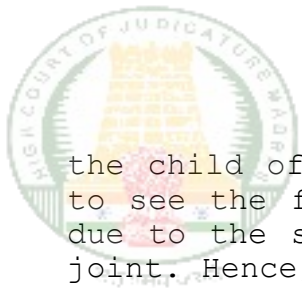
For Petitioners : Mr.T.Sai Krishnan

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

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 342, 435, 506 (ii) r/w 34 of IPC in Crime No.127 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 14.10.2021 at about 02.00 a.m., the petitioners set fire on 2 two wheeler bearing Registration No.AP 05 CT 3192 and PY o4-5769. Thereafter, due to the setting fire on the above said vehicles the fire spread even to the kitchen of the defacto complainant which was made out of the wooden plank and the kitchen was destructed in the said fire accident, when



the child of the defacto complainant opened the door she was shocked to see the fire and getting panic of the same she has fallen down, due to the sudden fall her child got fracture of her left and palm joint. Hence, the complaint was registered.

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3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that there was a land dispute between them, a false case has been given. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor (Puducherry) submitted that there was a land dispute between the petitioners and the defacto complainant. He further submitted that there is one previous case pending against the petitioners 1 to 3. He also further submitted that there are four previous cases pending against the fourth petitioner. He further submitted that the investigation is almost completed and the injured person has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital and there are four previous cases pending against the fourth petitioner. Therefore, this Criminal Original Petition is dismissed as against the fourth petitioner and considering the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners 1 to 3 with certain conditions.

6. Accordingly, the petitioners 1 to 3 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 Sub Court cum Judicial Magistrate Court, Yanam, 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) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners 1 to 3 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;

(c) the petitioners 1 to 3 shall report before the respondent police as and when required for interrogation.



(d) the petitioners 1 to 3 shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 1 to 3 shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 1 to 3 in accordance with law as if the conditions have been imposed and the petitioners 1 to 3 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;

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

-sd/-

22/11/2021

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 SUB COURT CUM
JUDICIAL MAGISTRATE, YANAM,
PUDUCHERRY DISTRICT.

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

3 THE INSPECTOR OF POLICE,
YANAM POLICE STATION,
PUDUCHERRY DISTRICT.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

+1 CC to M/S.T.SAI KRISHNAN Advocate on payment of necessary charges SR.NO.13153

CRL OP.21824/2021

Date :22/11/2021

RW 24/11/2021