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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.1297 of 2022

S.Sankar @ Deva

.. Petitioner

Vs.

The State represented by  
The Head Constable,  
Velliyanur Police Station,  
Velliyanur, Puducherry.  
(Crime No.0348 of 2021)

...Respondent/complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory Bail in the event of his arrest in Cr.No.348 of 2021 for the non bailable offence under Section 379 of IPC on the file of the respondent police.

For Petitioner : Mr.M.Prabhakar

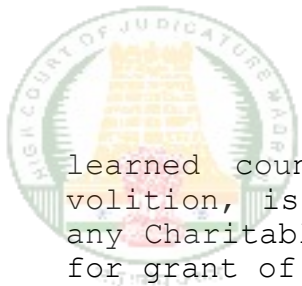
For Respondent : Mr.V.Balamurugane,  
Additional Public Prosecutor  
(Pondicherry)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 379 of IPC in Crime No.0348 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the respondent police went to the spot and found an eight feet pit was dug and the sand was removed and stored nearby. On enquiry, the respondent police came to know that the same was done by the petitioner. Hence the complaint.

3. The learned counsel appearing for the petitioner submits that the in Crl. O.P.No. 20085 of 2021 this Court already granted the anticipatory bail in crime No.0348 of 2021, but, the said order was spoiled due to rain, hence, the petitioner was not able to surrender before the concerned Court. However, on instructions, the



learned counsel further submits that the petitioner, on his own volition, is ready and willing to contribute a sum of Rs.10,000/- to any Charitable Purpose as may be directed by this Court and he prays for grant of anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor (Pondicherry) appearing for the respondent stating that this Court granted the petitioner's earlier anticipatory bail petition in CrI.OP.No.20085 of 2021 dated 27.10.2021, but the petitioner has not complied with the conditions imposed on the petitioner. Hence, the present petition.

5. Considering the facts and circumstances of the case and also considering the submissions made by the both counsel and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of Rs.10,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.3, 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Registered Advocate Clerks Association, Puducherry, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and shall produce the said receipt before the Court below;

[b] 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;

[c] the petitioner shall report before the respondent police on Saturday at 10.30 a.m for a period of four weeks and thereafter as and when required for an interrogation;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 petitioner in accordance with law as if the conditions has been imposed and the petitioner is 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/-

21/01/2022

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.III, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE  
PUDUCHERRY.[FOR INFORMATION]

3 THE HEAD CONSTABLE,  
VILLIYANUR POLICE STATION,  
VELLIYANUR, PUDUCHERRY.

4 THE PUBLIC PROSECUTOR  
PUDUCHERRY.

5 THE REGISTERED ADVOCATE  
CLERKS ASSOCIATION, PUDUCHERRY.

+2 CC to M/S M.PRABHAKAR Advocate on payment of necessary charges SR.NO.1002

CRL OP.1297/2022

Date :21/01/2022

RW 31/01/2022