



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION Nos.7079 & 7381 of 2022

and

CrI.M.P.No.5639 of 2022

R.THIRUVENKADAM

[PETITIONER / ACCUSED
IN CRL.O.P.No.7079/2022]

SEENUVASAN

[PETITIONER / ACCUSED
IN CRL.O.P.No.7381/2022]

Vs

STATION HOUSE OFFICER
MUDHALIARPET POLICE STATION,
PUDUCHERRY
(CRIME NO.29/2022)

[RESPONDENT
IN BOTH PETITIONS]

Petition praying that in the circumstances stated therein the High Court will be pleased to

(i) Enlarge the petitioner on bail in the event of his arrest in Crime No.29 of 2022 on the file of the Station House Officer, Mudaliarpet Police Station, Puducherry pending investigation.
[CRL.O.P.No.7079/2022]

(ii) Enlarge the petitioner on anticipatory bail in the event of his arrest in Cr.No. 29 of 2022 on the file of the respondent police pending investigation.[CRL.O.P.No.7381/2022]

(iii) Extend the time to comply the condition imposed by this Hon`ble Court in CrI.O.P.No. 7079 of 2022 dated 04.04.2022.
[CRL.M.P.No.5639/2022]



Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S B.KUMARASAMY Advocate for the petitioner [IN CRL.O.P.No.7079/2022] and M/S.S.JAYASEELAN, Advocate for the petitioner [IN CRL.O.P.No.7381/2022] and of MR.V.BALAMURUGANE, Public Prosecutor for Puducherry [IN BOTH PETITIONS] on behalf of the Respondent the court made the following order:-

The petitioners, who apprehend arrest for the alleged offences under Sections 120(b), 406, 420 of IPC r/w Section 34 of IPC in Crime No.29 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioner herein in Crl.O.P.No.7079 of 2022 was granted anticipatory bail on specific condition that, he should furnish the sureties within seven days and report before the Investigating Officer daily. He sought extension of time on the ground that, he had received the copy only on 11.04.2022 and due to intervening holidays, he could not able to comply the conditions on time.

3. The learned Public Prosecutor (Pondicherry) appearing for the respondent would submit that the petitioner neither furnished the sureties nor reported before the Investigating Officer as directed by this Court vide order dated 04.04.2022.

4. Earlier, when a co-accused by the name Seenuvasan approached this Court for anticipatory bail, the learned Public Prosecutor appeared for the respondent, intimated about the non-compliance of the order. Therefore, this Court directed the registry to club Crl.O.P.No.7381 of 2022 along with Crl.O.P.No.7079 of 2022, filed by the co-accused by the name Seenuvasan. Meanwhile, one Thiruvenkadam/Petitioner in Crl.O.P.No.7079 of 2022 had sought for extension of time.

5. On considering the conduct of the petitioner in Crl.O.P.No.7079 of 2022 and the case of other petitioner Seenuvasan/Petitioner in Crl.O.P.No.7381 of 2022 and the fact that the alleged Innova car is yet to be traced and the complainant states that the car was forcibly taken away from his possession by the accused including these two petitioners, this Court is of the view that, the order of granting anticipatory bail to Thiruvenkadam/Petitioner in Crl.O.P.No.7079 of 2022 and Seenuvasan/Petitioner in Crl.O.P.No.7381 of 2022 shall be on the following lines:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate-III, Puducherry on condition that the petitioners shall execute a bond for a sum of Rs.50,000/-each



(Rupees Fifty 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:

WEB COPY (a) the petitioners shall deposit a sum of Rs.7,50,000/- each (Rupees Seven Lakh Fifty Thousand Only) to the credit of Crime No.29 of 2022 before the Judicial Magistrate-III, Puducherry on or before 06.05.2022. On such deposit being made, the learned Magistrate, shall obtain an affidavit of undertaking that the sum of Rs.7,50,000/- was deposited by the petitioners to the credit of Crime No.29 of 2022.

(b) 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;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall report before the Investigating Officer daily at 10.30.a.m., for a period of thirty days until further orders;

(e) the petitioners 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 in accordance with law as if the conditions has 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]; and;

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

7. As a result, the earlier order of this Court dated 04.04.2022 in CrI.O.P.No.7079 of 2022 stands modified as stated above and the Criminal Original Petitions are ordered as above.

-sd/-
26/04/2022

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.3, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 STATION HOUSE OFFICER
MUDHALIARPET POLICE STATION,
PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1 CC to M/S B.KUMARASAMY Advocate on payment of necessary
charges SR.NO.6423

+1 CC to M/S S.JAYASEELAN Advocate on payment of necessary
charges SR.NO.6291

CRL OPS.7079 & 7381/2022
AND CRL.M.P.No.5639/2022

Date :26/04/2022

JPA 09/05/2022