



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8901 of 2022

MURUGAN @ VELU

[PETITIONER / ACCUSED]

Vs

STATE REP. BY
STATION HOUSE OFFICER
KALAPET POLICE STATION,
PONDICHERRY.
CRIME NO.24 OF 2022.

[RESPONDENT]

For Petitioner : M/S.D.ALEXIS SUDHAKAR Advocate

For Respondent : MR.V.BALAMURUGANE, 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 punishable under Sections 294(b), 323, 324 & 506(ii) r/w Section 34 of IPC, in Crime No.24 of 2022 dated 22.03.2022, on the file of the respondent police, seeks anticipatory bail.

2. The learned Public Prosecutor (Puducherry) opposed granting Anticipatory Bail on the ground that the petitioner along with other accused had threatened the defacto complainant with dire consequences and attacked him with iron rod, causing lacerated injury on the scalp. The injured was admitted in the hospital on 21.03.2022 and treated as inpatient for three days and also submit that this petitioner is a bad element and having involved in ten cases earlier.

3. In response to that, the learned counsel for the petitioner would state that in five cases out of the said ten cases, the petitioner has acquitted and in rest of the cases, he is facing trial to prove his innocence. As far as this case is concerned, it is a



case and case in counter, wherein, in connection with temple festival on 21.03.2022 at about 11.00 p.m., clash between two groups was occurred, in which, one Mariappan @ Manigandan sustained injury by hands of Sivaguru and others. Similarly, Sivaguru was attacked by a group lead by Mariappan @ Manigandan. Both, Sivaguru and Mariappan @ Manigandan has sustained injury, admitted in the hospital. The Police has registered FIRs in the case of assault of Mariappan @ Manigandan in Crime No.24 of 2022 and assault of Sivaguru in Crime No.25 of 2022. This petitioner is the first accused in Crime No.25 of 2022.

4. Though it is contended that the petitioner is having previous cases of similar nature, considering the nature of injury and the incident, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is 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 II, Puducherry, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (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:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 Investigating Officer daily twice at 10.30 a.m., and 5.00 p.m., until further orders;

(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 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;



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

-sd/-
22/04/2022

WEB COPY

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.II, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE STATION HOUSE OFFICER
KALAPET POLICE STATION,
PONDICHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1 CC to M/S.D.ALEXIS SUDHAKAR Advocate on payment of necessary charges SR.NO.6034

CRL OP.8901/2022

Date :22/04/2022

JPA 27/04/2022