



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice SATHI KUMAR SUKUMARA KURUP

CRIMINAL ORIGINAL PETITION No.10641 of 2022

1 PESINGI PRASAD [PETITIONERS / ACCUSED]
2 KADALISRINIVASU
3 DANGUDUBIYYAM RAMBABU
4 KUNAPAREDDYSURIBABU

Vs

STATE REP. BY
STATION HOUSE OFFICER [RESPONDENT]
YANAM POLICE STATION,
YANAM,
PUDUCHERRY DISTRICT.
CRIME NO.33 OF 2022.

For Petitioners : M/S.T.SAI KRISHNAN 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 Petitioners, who apprehend arrest at the hands of the Respondent police for the offences punishable under Sections 306 r/w 34 of IPC, in Crime No.33 of 2022, seek anticipatory bail.

2. The case of the Prosecution is that the De-facto Complainant's husband/Mr.Ganesh who worked as Salesman in the Yanam Co-operative Stores Ltd., committed suicide due to harassment by accusing him of stealing the rice from godown and misappropriating money while purchasing the rice for the Yanam Co-operative Society. Hence, the complaint.

3. The learned counsel for the Petitioner submitted that the Petitioners are innocents and law-abiding persons and they did not commit any offence as alleged by the Prosecution. Hence, they pray for grant of anticipatory bail to the Petitioners.



4. The learned Additional Public Prosecutor for Pondicherry vehemently objects to grant Anticipatory Bail on the ground that the deceased was an employee of Co-operative Society's rice godown/warehouse at Yanam and was working as Salesman and in-charge of the Co-operative Store Rice godown/warehouse. Due to the continuous harassment on the deceased by accusing him of illegal disposal of the rice bags by these Petitioners, deceased is alleged to have committed suicide.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the Petitioners subject to the following conditions.

6. Accordingly, the Petitioners 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 on which the order copy made ready, before the Judicial Magistrate Court, Yanam, on condition that the Petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty-five thousand only) each with two sureties, out of them, one should be a blood relative of the Petitioners, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Judicial Magistrate Court, Yanam, may obtain a copy of their Aadhar card or Voter Identity card or Driving License or PAN card or Bank Pass Book with photo affixed and attested by the Bank Manager to ensure their identity;

(b) As the Petitioners are Government Servants, reporting by 10:00 am will affect their job adversely. Considering the said submission, the Petitioners shall report before the Respondent police daily at 6:30 pm., for a period of one month. Thereafter as and when required.

(c) the Petitioners shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioners 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 Petitioners 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/-
16/06/2022

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,
YANAM

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE STATION HOUSE OFFICER
YANAM POLICE STATION,
YANAM, PUDUCHERRY DISTRICT.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

+1 CC to M/S.T.SAI KRISHNAN Advocate on payment of necessary charges SR.NO.9490

CRL OP.10641/2022

Date :16/06/2022

JPA 23/06/2022