



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11703 of 2022

PREM

[PETITIONER / ACCUSED]

Vs

UNION TERRITORY OF PUDUCHERRY REP.BY [RESPONDENT]
THE STATION HOUSE OF OFFICER (SHO),
VILLIANUR POLICE STATION,
PUDUCHERRY.
(CR.NO.117/2022)

For Petitioner : M/S.PRAKASH ADIAPDAM Advocate

For Respondent : MR.V.BALAMURUGANE, Additional Public Prosecutor
for Puducherry,

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Today, when the matter is taken up for hearing, learned counsel for the petitioner filed a memo dated 18.5.2022 seeking to mention correct crime number and offences while passing orders, since the petition has been filed by the learned counsel inadvertently, mentioning wrong crime number and offence.

2. Recording the memo filed by the learned counsel for the petitioner, the following orders is passed.

3. The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 435 and 506(ii) of IPC, r/w.Section 34 of IPC in Crime No.118 of 2022, seeks anticipatory bail.

4. The case of the prosecution is that on account of a previous enmity between the petitioner and defacto complainant, the petitioner along with other accused is alleged to have set fire on the two wheeler belonging to defacto complainant and also threatened him with dire consequences. Hence, the complaint.



5. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

6. The learned Additional Public Prosecutor would submit that the petitioner along with other accused set fire on the defacto complainant's two wheeler and also criminally intimidated him with dire consequences, thus, he vehemently opposed to grant anticipatory bail to the petitioner.

7. Considering the above fact and circumstances of the case and the gravity of the offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.III, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
18/05/2022

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 PUBLIC PROSECUTOR
PUDUCHERRY.

4 THE STATION HOUSE OF OFFICER (SHO),
VILLIANUR POLICE STATION,
PUDUCHERRY.

+1 CC to M/S. PRAKASH ADIAPDAM Advocate on payment of necessary charges SR.NO.7681

CRL OP.11703/2022

Date :18/05/2022

TA-23/05/2022