



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Third day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12156 of 2022

REDDY BHAVANI SUBRAMANIESTWARA RAO [PETITIONER / ACCUSED]

Vs

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

For Petitioner : M/S.A.TAMILVANAN Advocate

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

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 26.03.2022, for the alleged offence under Sections 306 r/w 34 of IPC in Crime No.33 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the deceased was continuously harassed by the accused persons and ultimately, he was forced to commit suicide. The deceased had left the recorded message in this regard, wherein he has specifically mentioned five accused persons. The petitioner has been arrayed as A5 in this case.

3. Learned Public Prosecutor In-charge, Puducherry submitted that only the petitioner was apprehended and other accused are still absconding. It was further submitted that the statement recorded from the witnesses clearly shows that the accused were demanding and torturing the deceased to supply additional bags of rice. It was further submitted that if the petitioner is granted bail, the respondent Police will find it even more difficult to apprehend the other accused persons.



4. Learned counsel for the petitioner submitted that the deceased had committed misappropriation and he feared that he will be caught and hence, has made false allegations and thereafter committed suicide. He would further submitted that the petitioner has already suffered incarceration for nearly 60 days and the respondent police for the reasons best known to them, have not apprehended the other four accused persons till date. He would further submitted that the petitioner will abide by any conditions imposed by this Court.

5. Heard the learned counsel for the petitioner and the learned Public Prosecutor In-charge, Puducherry for the respondent.

6. In the present case, the material based on which the prosecution is attempting to substantiate the case, is already available and the statement of the witnesses have also been recorded. The petitioner had already suffered incarceration for nearly 60 days. It is brought to the notice of this Court that the other accused persons filed anticipatory bail petitions and they were dismissed and inspite of the same, they have not been apprehended. In any case, keeping the petitioner inside the jail will not really help the respondent Police to make any progress in the case. Therefore, this Court is inclined to enlarge the petitioner on bail by imposing certain conditions.

7. In view of the above, the petitioner is ordered to be released on bail on his executing 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 learned Judicial Magistrate, Yanam, and on further conditions that:-

[a] 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 daily at 10.30 a.m., until further orders.

[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 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].



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

WEB COPY

-sd/-
23/05/2022

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,
YANAM

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
YANAM POLICE STATION,
PUDUCHERRY

4 THE OFFICER INCHARGE
SUB JAIL, YANAM, PUDUCHERRY.

5 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1 CC to M/S.A.TAMILVANAN Advocate on payment of necessary charges SR.NO.7808

CRL OP.12156/2022

Date :23/05/2022

JPA 24/05/2022