



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Thursday, the Ninth day of June Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN  
CRIMINAL ORIGINAL PETITION No.13252 of 2022

1 BARATH SANJAI  
2 K.VIJAYAN  
3 KANNAN

[ PETITIONERS / ACCUSED ]

Vs

STATE REP BY  
INSPECTOR OF POLICE,  
BAHOUR POLICE STATION,  
PUDUCHERRY DISTRICT.  
CR.NO. 208 OF 2021.

[ RESPONDENT ]

For Petitioner : M/S.S.N.A.HUSSAINY Advocate

For Respondent : Mr.V.Balamurugane Public Prosecutor for Pondicherry

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 34, 294(b), 323, 506(i) of IPC in Crime No.208 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 24.10.2021 at about 9.00 pm the petitioners attacked the son of the defacto complainant and his friends when the defacto complainant and his wife tried to pacify them, the father of the A1/the second petitioner herein attacked the defacto complainant and his wife and also threatened them with dire consequences. Hence, this complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in the case. He would further submit that there is a case in counter in Crime No.205 of 2021 against the defacto complainant and his son. Further, he would submit that the petitioners were already granted with anticipatory bail by this Court in CrI.O.P.No.20897 of 2021 dated 08.11.2021. Further, the second petitioner could not able to surrender and execute sureties as



directed by this Court due to his illness. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor raised formal objection and submitted that no one was injured on the alleged occurrence. He would also admit that there is a counter in Crime No.205 of 2021 against the defacto complainant and his son.

5. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 learned Judicial Magistrate IV, Puducherry, on condition that the petitioners shall execute a separate 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

09/06/2022

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,  
NO.IV, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE  
PUDUCHERRY (FOR INFORMATION)

3 INSPECTOR OF POLICE,  
BAHOUR POLICE STATION,  
PUDUCHERRY DISTRICT.

4 THE PUBLIC PROSECUTOR  
PUDUCHERRY

CC to M/S.S.N.A.HUSSAINY Advocate on payment of necessary  
charges Sr.8808

CRL OP.13252/2022

Date :09/06/2022

RVR 20/06/2022