



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

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR
CRIMINAL ORIGINAL PETITION No.12410 of 2022

JAYAMOORTHY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE STATION HOUSE OFFICER,
VILLIANUR POLICE STATION,
PUDUCHERRY.
(*) (CRIME NO.146 OF 2022)

[RESPONDENT]

For Petitioner : M/S. K.SASINDRAN Advocate

For Respondent : M/S R.S.NIRANJAN PUBLIC PROSECUTOR
FOR Mr.C.E.Pratap Government Advocate (Crl. Side)
(DATED 26/05/2022)

Mr.V.Balamurugane Public Prosecutor for Pondicherry
(DATED 29/06/2022)

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 offences punishable under Sections 294(b), 323 and 506(ii)IPC in**(*) (CRIME NO.146 OF 2022)**, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner picked up quarrel with the defacto complainant and abused him in filthy language and also assaulted him. Hence, the complaint.

3. 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. He further submitted that there was a previous enmity between the petitioner and the defacto complainant, due to which a false complaint has been given against the petitioner. Therefore, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would submit that the petitioner attacked the defacto complainant due to which he sustained simple injuries. He further submitted that the injured discharged from the hospital. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also considering the fact that the victim discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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-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 appear 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 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/-

26/05/2022

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.

**(*)AMENDED AND THE PETITIONER IS DIRECTED
TO SURRENDER AND EXECUTE THE SURETIES AS
ORDERED BY THIS COURT ON OR BEFORE 12/07/2022,
ORDERED AS PER ORDER OF THE COURT DATED
29/06/2022 MADE IN CRL.MP.NO.8332 OF 2022
BY The Hon`ble Mr Justice G.K. ILANTHIRAIYAN**

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY(FOR INFORMATION)

3 THE STATION HOUSE OFFICER,
VILLIANUR POLICE STATION,
PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

CC to M/S. K.SASINDRAN Advocate on payment of necessary charges
Sr.10314

CRL OP.12410/2022

Date :26/05/2022

RVR 31/05/2022

RVR 06/07/2022