



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Seventeenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14013 of 2022

EDWARD @ EDWARD FOUCHE

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE STATION HOUSE OFFICER,
ODIANSALAI POLICE STATION,
PUDUCHERRY.
CRIMENO.50 OF 2022.

For Petitioner : M/S.C.MOHAN RAJ 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 :-

The petitioner who apprehends arrest at the hands of the respondent police for the offence punishable under Section 381 of IPC in Crime No.50 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was working as driver under the defacto complainant and when the defacto complainant went to Chennai for her treatment, she handed over the house keys to the petitioner. It is alleged that the petitioner and other accused broke open the door and stolen the defacto complainant's 60 sovereign of gold jewels. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the occurrence took place on 28.09.2019, whereas the complaint lodged lodged in the year 2021, after the direction issued by this Court, the respondent registered the case in Crime No.50 of 2022. The petitioner was working as driver under the defacto complainant and he was very loyal to the defacto complainant and her family. Due to



misunderstanding between them false case has been foisted as against the petitioner and hence he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner colluded with other accused and stolen the 60 sovereign of gold jewels from the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Even according to the case of the prosecution the petitioner was working under the defacto complainant as driver and she had handed over the keys to the petitioner. Further the occurrence took place in the year 2019 and the complaint was lodged on 14.03.2022. Considering the above fact and circumstances of the case, this Court feels that the custodial interrogation of the petitioner does not require and hence 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 Chief Judicial Magistrate, 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 daily at 10.30 a.m., for a period of two weeks and thereafter 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/-
17/06/2022

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 CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

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

+1 CC to M/S.C.MOHAN RAJ Advocate on payment of necessary
charges SR.NO.9482

CRL OP.14013/2022

Date :17/06/2022

TA-22/06/2022