



Crl.OP.No.24370 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2022

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.24370 of 2022

Antony Lourdhuraj @ Tony

... Petitioner

Vs.

State Rep by
The Station House Officer,
D'Nagar Police Station through,
Public Prosecutor, Pondy cherry.

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.161 of 2022 on the file
of the Respondent Police pending investigation.

For Petitioner : Mr.G.Mohana Krishnan

For Respondent : Mr.V.Balamurugane,
Public Prosecutor (Pondicherry)



Crl.OP.No.24370 of 2022

WEB COPY

ORDER

The Petitioner, who was arrested and remanded to judicial custody on 01.08.2022 for the offences punishable under Sections 147, 148, 341, 302, 120(B) of IPC r/w Section 149 of IPC in Crime No.161 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that the Petitioner along with the other Accused had intimidated and assaulted the Defacto Complainant with sickle, due to which, the Defacto Complainant succumbed to injuries. Hence, the case.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent and he had nothing to do with the alleged offence as stated by the Prosecution. Therefore, he prays for grant of bail to the Petitioner.



Crl.OP.No.24370 of 2022

WEB COPY

4. The learned Public Prosecutor (Pondicherry) appearing for the Respondent would submit that due to previous enmity, the Petitioner along with the other Accused had assaulted the Defacto Complainant with sickle, due to which, the Defacto complainant had succumbed to injuries. Hence, he vehemently opposed to grant bail to the Petitioner.

5. Heard learned counsel for the Petitioner and the learned Public Prosecutor (Pondicherry) and perused the materials available on record including the First Information Report.

6. Taking into consideration of the submission of the learned Counsel for the Petitioner and the objection made by the learned Public Prosecutor (Pondicherry), this Court is inclined to grant bail to the Petitioner.

7. Accordingly, the Petitioner is ordered to be released on bail on 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**



CrI.OP.No.24370 of 2022

Judicial Magistrate I, Puducherry. Further, one of the sureties shall be a blood relative.

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate I, Puducherry shall obtain a copy of their Identity Card, Aadhar Card, or Voter Identity Card or Driving Licence or PAN Card or Bank Passbook with Photo affixed and attested by the Bank Manager as proof of Identity.

(b) the Petitioner shall stay at Villupuram and report before the Villupuram Town Police Station daily at 10.00 a.m., until further orders. The Petitioner shall not enter into the local Jurisdiction of D'Nagar Police Station.

(c) the Petitioner shall not influence, threaten or coerce the 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 Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.



CrI.OP.No.24370 of 2022

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

shk/sma

06.10.2022



WEB COPY



Crl.OP.No.24370 of 2022

SATHI KUMAR SUKUMARA KURUP,J.

shk/sma

To

1. The learned Judicial Magistrate I, Puducherry
- 2.The Station House Officer,
D'Nagar Police Station through,
Public Prosecutor, Pondyicherry.
3. The Central Prison,
Kalapet.
4. The Public Prosecutor,
Puducherry.

Crl.O.P.No.24370 of 2022

06.10.2022