



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.26000 of 2021

Narayanasamy.K

...Petitioner

Versus

State represented by Station House Officer,
Katterikuppam Police Station,
Katterikuppam,
Puducherry.
(Crime No.49 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.49 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Suresh Babu

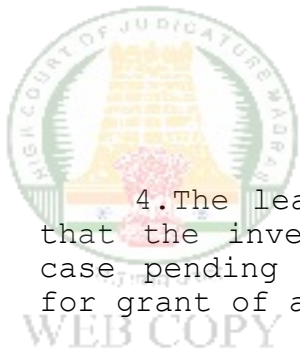
For Respondent : Mr.V.Balamurugane
Additional Public Prosecutor (Puducherry)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 498-A, 306 of IPC, in Crime No.49 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the husband of the deceased. Further, the petitioner had harassed his wife, due to which, she poured kerosene on herself as set fire and died in the hospital. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor (Puducherry) submitted that the investigation is almost completed and there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. When the matter is taken up for hearing, the petitioner and his two daughters along with his counsel are appeared before this Court through video conferencing and on enquiry, it was found that he is a driver and there was some difference of opinion between the petitioner and his wife, due to which, the deceased had committed suicide.

6. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed and the children is aged about 3 ½ years and 1 year, they are in under custody of this petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-IV, 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 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 Court concerned 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 on every Saturday 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]; and;



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

-sd/-

07/01/2022

WEB COPY

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 THE STATION HOUSE OFFICER,
KATTERIKUPPAM POLICE STATION,
KATTERIKUPPAM, PUDUCHERRY.

4 THE PUBLIC PROSECUTOR,
PUDUCHERRY.

+1 CC to M/S. P.SURESH BABU Advocate on payment of necessary charges SR.NO.391

CRL OP.26000/2021

Date :07/01/2022

INBA-12/01/2022