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Crl.O.P.No.25824 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.25824 of 2022

Balachandar

... Petitioner

Vs.

The State represented by,
Station House Officer,
Thavalakuppam Police Station.
Crime No.83 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in respect of Crime No. 83 of 2022
on the file of the respondent police.

For Petitioner : Mr.V.L.Nehru

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



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CrI.O.P.No.25824 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.09.2022, for the offences punishable under Sections 323, 354-A, 395 of IPC, in Crime No.83 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with other accused waylaid and molested the victim women and assaulted her husband and also snatched their mobile phones while they were standing in a beach. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A5 and the allegation as against the petitioner is that he had accompanied the other accused, other than that, there is no allegation as against the petitioner. He would further submit that the petitioner is aged about 24 years and there is no previous case pending against him. Thereby, he seeks for grant of bail to the petitioner.



Crl.O.P.No.25824 of 2022

WEB COPY

4. The learned Public Prosecutor (Puducherry) would submit that, the petitioner along with other accused waylaid the defacto complainant and her husband while they were standing in a beach and further the accused had molested her and assaulted her husband. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submission made by the learned counsel, the period of incarceration suffered by the petitioner ie., 13.09.2022 and also considering the age of the petitioner and the allegations as against him, this Court is inclined to grant bail to the petitioner.



CrI.O.P.No.25824 of 2022

WEB COPY

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only)** with **two sureties (one surety shall be either mother or father of the petitioner)**, each for a like sum to the satisfaction of the **learned Judicial Magistrate 1, Puducherry** and on further conditions that:

[a] 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 twice daily at 10.30 a.m., and 05.30.p.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;



CrI.O.P.No.25824 of 2022

[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;

28.10.2022

Sma

To

1. The Judicial Magistrate-1,
Puducherry.
2. Station House Officer,
Thavalakuppam Police Station.
3. Central Prison,
Puducherry.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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