



CrI.O.P.No.27877 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM

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

CrI.O.P.No.27877 of 2022

1. Nauwshad

2. Manikandan @ Kilimandai

... Petitioners

Vs.

The State represented by,
The Station House Officer,
Thavalakuppam Police Station,
Through Public Prosecutor,
Puducherry.

(Crime No.83/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioners on bail in connection with the Crime No.83
of 2022, pending investigation on the file of the respondent Police.

For Petitioners : Mr.V.L.Nehru

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



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ORDER

The petitioners, who were 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, seek bail.

2. The case of the prosecution as per the *de-facto* complainant is that the petitioners 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 for the petitioners submitted that this is the second bail application before this Court and this Court had earlier dismissed the bail application in Crl.O.P.No.26136 of 2022 vide order dated 27.10.2022 stating the petitioners are habitual offenders against whom several cases are pending. He further submitted that the petitioners are in custody from 13.09.2022 and test identification parade has also been conducted. He also stated that the co-accused has been granted with bail by the learned Principal District Sessions Judge and the petitioners are ready to



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abide by any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioners.

4. Per contra, the learned Public Prosecutor (Puducherry) appearing for the respondent submitted that the petitioners are habitual offenders having each two previous cases of similar nature. He further submitted that when the *de-facto* complainant and her husband were near the beach, the petitioners along with other accused have misbehaved with the *de-facto* complainant, outraged her modesty and molested her and they have also snatched the mobile phones from the *de-facto* complainant and her husband. He further stated that the mobile phones have been snatched only after the victim has made a phone call to the police. He also stated that the major part of the investigation is over and the mobile phones has been recovered from the accused and the test identification parade has also been conducted, however, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioners and the learned Public Prosecutor (Puducherry) and perused the materials available on record.



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6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that the major part of the investigation is over and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail on their executing a separate bond for a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) each** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate - I, 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 petitioners shall report before the Inspector of Police Station, everyday at 10.30 a.m. and 05.30 p.m., until further orders;

[c] the petitioners shall not abscond either during investigation or trial;



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[d] the petitioners shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

22.11.2022

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To

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



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A.D.JAGADISH CHANDIRA.,J.

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