



WEB COPY



CrI.O.P.No.5435 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM

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

CrI.O.P.No.5435 of 2023

Thanigaivel

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Mudaliarpet Police Station,
Puducherry.

(Crime No.29 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with the Crime No.29
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.V.Raghavachari, Senior Advocate
for V.Srimathi

For Respondent : Mr.K.S.Mohandas
Public Prosecutor (Puducherry)
Assisted by, Mr.A.Alexander



Crl.O.P.No.5435 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.02.2023, for the offences punishable under Sections 294(b), 323, 355, 354(B), 506(ii) of IPC r/w 34 of IPC, in Crime No.29 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 6.02.2023, due to money transaction, the petitioner along with others assaulted the de-facto complainant with chappel, pulled her saree and also threatened her with dire consequences. Hence the case.

3. Mr.V.Raghavachari, learned Senior Advocate, appearing for the petitioner submitted that the petitioner is an innocent person, aged about 54 years. He further submitted that there was a relationship between the petitioner and the de-facto complainant and there exists a financial transaction between them. Later, there was some misunderstanding between them and since, the petitioner had demanded his money back, the de-facto complainant has given a false complaint against him. He further submitted that the petitioner is in custody from 08.02.2023, hence, he prayed to grant



Crl.O.P.No.5435 of 2023

bail to the petitioner.

4. Mr.K.S.Mohandas, learned Public Prosecutor (Puducherry) appearing for the respondent submitted that the petitioner has abused the de-facto complainant, who is an Advocate, in a filthy language, assaulted her with slipper and also outraged her modesty by pulling her saree. He further submitted that since the petitioner is an influential person, if he is released on bail, he will interfere with the investigation. Therefore, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, the learned Counsel for the petitioner submitted that the petitioner is ready to stay far away from the respondent jurisdiction and also prepared to abide by any other stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

6. Heard the learned Counsel for the petitioner and the learned Public Prosecutor (Puducherry) and perused the materials available on record.



Crl.O.P.No.5435 of 2023

WEB COPY

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on his 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 Judicial Magistrate III, 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 stay at Trichy and report before the Inspector of Police, Palakarai Police Station, everyday at 10.30 a.m. and 5.30 p.m., until further orders;

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



Crl.O.P.No.5435 of 2023

[d] the petitioner 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

08.03.2023

ham

To

1. The Judicial Magistrate III,
Puducherry.
2. The Station House Officer,
Mudaliarpur Police Station,
Puducherry.
3. The Kalapet Jail,
Puducherry.
4. The Inspector of Police,
Palakarai Police Station,
Trichy.
5. The Public Prosecutor (Puducherry),
High Court of Madras.



WEB COPY



Crl.O.P.No.5435 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.5435 of 2023

08.03.2023