



Crl.O.P.No.6166 of 2023

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A. D. JAGADISH CHANDIRA, J.

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b) & 506(ii) of IPC, in Crime No.15 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the defacto complainant, namely Lakshmi, is that the accused had taken her son to attend a competition in Bangalore. Whereas her son died in a suspicious manner, in respect of which the defacto complainant had given a complaint. On 19.02.2023, the accused came to her house, questioned her about why she had filed a complaint against him and intimidated her. Hence, the case.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and the defacto complainant has targeted the petitioner, claiming that he is responsible and should compensate for the death of her son. As a consequence of her illegal demands a false



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complaint has been filed against him, as he happens to be a Government servant. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) submitted that the petitioner had threatened the defacto complainant since she had given a complaint against him. Hence, he vehemently opposed the grant of anticipatory bail to the petitioner.

5.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate (Crl.side) appearing for the respondent and perused the materials available on record.

6.Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15)



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days from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate-IV, Puducherry**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 daily at 06.30 p.m., and thereafter every Saturday at 06.30 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.



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[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.

8. With the above directions, this Criminal Original Petition is ordered.

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23.03.2023

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The Criminal Original Petition is listed today under the caption “for clarification”.

2. Learned counsel appearing for the petitioner submitted that this Court, by an order dated 23.03.2023, has granted anticipatory bail to the petitioner. However, a typographical error has crept in the paragraph 7 and in 7[b] of the order copy. Hence, he prayed for suitable directions.

3. Considering the above submission, the criminal original petition has been clarified and the paragraph 7 and 7 [b] of the order dated 23.03.2023 shall be modified as follows:

"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 from the date on which the copy of the order is made ready, before **the learned Judicial Magistrate-IV, Puducherry**, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only)



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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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

7. [b] the petitioner shall report before the respondent Police everyday at 06.30p.m., for a period of one week and thereafter, every Saturday at 06.30 p.m., until further orders;"

10.04.2023

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Note : Registry is directed to issue a fresh order copy.



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