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Crl.O.P.No.12078 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 offences punishable under Section 506(1) IPC and Sections 3(1) of Prevention of Damage to Public Property Act, in Crime No.46 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Registrar (i/c) of Pondicherry University. On 24.04.2023 at about 11.25 a.m., the petitioner came to the university campus, abused the Director and also intimidated him and caused damages to a Flower Pot. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is a Phd. Graduate in Botany and Environmental Science. Earlier he had applied for the post of



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Professor and frequently, he is working as a Teaching Staff in the university from April 2022 and for extension, he had made request to the concerned authorities. But they did not extend it purposely. Further, the petitioner had earlier filed writ petitions against the administration of the University and the same are pending before this Court. The University had compelled him to withdraw the petitions and now filed a false complaint against him. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor (Puducherry) appearing for the respondent opposed for grant of anticipatory bail to the petitioner stating that the petitioner had trespassed into the University premises of the defacto complainant and abused the Director in filthy language and also caused damages to a Flower Pot.

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



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6.Taking note of the facts and circumstances of the case and the submissions made by the learned counsel on either side, 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 days from the date on which the order copy made ready, before **the learned Judicial Magistrate-II, Pudhucherry**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] the petitioners 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 everyday at 10.30 a.m. for a period of three weeks and thereafter, 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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