



*Crl.O.P.No.29040 of 2023*

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 29.12.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE P. DHANABAL**

**Criminal Original Petition No. 29040 of 2023**

Ramu @ Ramachandran, M/A29,  
S/o.Rajendran,  
No.27, Throwpathy Amman Koil Street,  
M.N. Kuppam, Pallithennal PO,  
Villupuram District.

...Petitioner/Accused

**Versus**

The State represented by  
The Inspector of Police,  
Thirubuvanai Police Station,  
Puducherry District.  
Cr. No. 154 of 2023

...Respondent

**PRAYER:** Criminal Original Petition filed under Section 439 of Cr.P.C.  
praying to enlarge the petitioner on bail in Thirubuvanai P.S. Crime No.  
154 of 2023 on the file of respondent police pending investigation.

**For Petitioner : Mr. U. Yuvaraj.**

**For Respondent : Mr. K.S. Mohandass,  
Public Prosecutor (Puducherry)  
assisted by Mr. A. Alexander.**



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### **ORDER**

The petitioner seeks bail in Crime No. 154 of 2023 on the file of respondent police for the offence punishable under Sections 294(b), 323, 448, 427, 506(ii) read with 34 of the Indian Penal Code and Section 3 of the Explosive Substances Act, 1908. The petitioner was arrested and remanded to custody on 06.11.2023.

2. The case of the prosecution is that the petitioner along with the other accused had trespassed into the Arrack shop and abused the defacto complainant in filthy language and hurled the arrack bottles into the shop and caused injuries to the defacto complainant and damaged the motorcycle parked inside the arrack shop and hence has committed the offence under Sections 294(b), 323, 448, 427, 506(ii) read with 34 of the Indian Penal Code and Section 3 of the Explosive Substances Act, 1908

3. Learned counsel for petitioner submits that the petitioner is an innocent person and he has nothing to do with the alleged offence. He further submits that no previous case is pending against the petitioner



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and he is languishing in jail from 06.11.2023.

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4. Learned Additional Public Prosecutor submits that the petitioner along with other accused had trespassed into the Arrack shop and hurled the arrack bottles into the shop and caused injuries to the defacto complainant and damaged the motorcycle. It is further submitted that the investigation is not yet completed and thus, opposed for granting bail to the petitioner.

5. Considering the rival submissions on either side and also considering the fact that no previous case is pending against the petitioner and also considering the period of incarceration, I am inclined to grant bail to the petitioner, subject to certain conditions.

6. 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 IV, Puducherry and on further conditions



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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 cards or Bank pass Books to ensure their identity;
- [b] the petitioner shall report before the learned Judicial Magistrate No.IV, Puducherry everyday at 10.30 a.m. until further orders.
- [c] the petitioner shall not abscond either during investigation or trial;
- [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];



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[f] if the accused thereafter absconds, a fresh FIR can be registered under

Section 229A IPC.

**29.12.2023**

*ay/ss*

To

- 1.The Judicial Magistrate IV,  
Puducherry.
- 2.The Central Prison,  
Kalapet, Puducherry.
- 3.The Inspector of Police,  
Thirubuvanai Police Station,  
Puducherry District.
- 4.The Public Prosecutor,  
High Court of Madras.



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**P. DHANABAL, J**

*ay/ssa*

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