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Crl.O.P.No. 23889 of 2024

T.V.THAMILSELVI, J.

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 326, 506(ii) IPC r/w 34 IPC @ 147, 148, 294(b), 323, 324, 427, 307 IPC r/w 149 of IPC @ 147, 148, 294(b), 323, 324, 427, 302 IPC r/w 149 IPC in Crime No. 23 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused persons attacked and abused the defacto complainant's son, due to which he died. Hence, the case.

3. The learned counsel for the petitioner submits that the investigation has been completed and charge sheet also filed. He prays to allow this petition.

4. The learned Additional Public Prosecutor submits that based on the confession of the other accused the petitioner has been



implicated in this case and also he admits that final report has been filed.

Further, he states that there is no previous case against the petitioner.

5. Considering the facts and circumstances of the case and also the fact that final report has been filed in this case. Hence, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate - III, Pondicherry**, on condition that the petitioner shall execute a separate 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:

[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 petitioners shall report before the respondent police as and when required for interrogation. Further, the petitioner shall deposit a sum of Rs.25,000/- to the credit of crime No. 145 of 2024 and the victim family is permitted to withdraw the same.

[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 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.

7. On considering the pain and suffering and the welfare of the victim failly, this Court recommends that it is a fit case to refer, as per 357(A) (1) (2) and (6) of Cr.P.C., the Chairman, District Legal Services



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Authority, Pondicherry, is hereby directed to pass appropriate orders to the District Collector , Chennai, for disbursing the compensation amount of Rs.1,00,000/- (Rupees One Lakh Only) as interim compensation to the parents of the deceased, in the manner known to law based on the available schemes within a period of 6 weeks from the date of receipt of copy of this order and the victim family is permitted to withdraw the above said amount.

26.09.2024

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copy to

1. The District Legal Service Authority, Pondicherry.



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T.V.THAMILSELVI, J.

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Crl.O.P.No.23889 of 2024

26.09.2024