



Crl.O.P.No.28447 of 2024

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**A.D.JAGADISH CHANDIRA, J.**

The petitioner, who apprehends arrest in connection with Crime No.23 of 2024, registered for offences punishable under Sections 147, 148, 294(b), 323, 324, 427, 302 IPC r/w. 149 IPC, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused abused and attacked the son of the de facto complainant with knife aged about 28 years due to which he died, was an auto driver leaving behind his parents. Hence, the complaint.

3. Learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner was not aware that, he was added in this case. He would submit that some of the co-accused was granted anticipatory bail in Crl.O.P.No's.18899 & 22522 of 2024 by this Court. He would further submit that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed the grant of anticipatory bail to the petitioner.



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4. Learned Public Prosecutor (Pondicherry) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioner, would submit that the petitioner damaged the victims vehicle and prevented the victim from the place and other accused assaulted and committed the murder. He would further submit that investigation is pending committal in P.R.C.No.80 of 2024, before learned Judicial Magistrate III, Pondicherry and the petitioner is shown as an absconding accused.

5. Heard the learned Counsel for the Petitioner, the learned Public Prosecutor (Pondicherry) for the respondent and perused the entire materials available on record.

6. Considering the above facts and circumstances of the case, the submissions made by the learned counsel on either side, and also that the facts attributed to the petitioner that some of the similarly placed persons have granted anticipatory bail by this Court, 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



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date on which the order copy made ready, before the **learned Judicial Magistrate III, Pondicherry**, on condition that the petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 his Aadhar card or Bank pass Book to ensure their identity;

**[b] the petitioner shall report before the learned Judicial Magistrate III, Pondicherry on all working days 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;



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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 Section 269 of B.N.S.

**19.11.2024**

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