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CrI.O.P.No.4714 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.4714 of 2025

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... Petitioner/A5

Vs.

State, Rep. by the Inspector of Police
Odiansalai Police Station,
Puducherry.
(Crime No.20 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on bail in the event of arrest Crime No.20 of 2025, on the file of the respondent Police.

For Petitioner : Mr.Yuva Raj

For Respondent : Mr.K.S.Mohandoss
Public Prosecutor (Puducherry)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 4 of Explosive Substances Act, 1908, 27 of Arms Act, 1959, Section 351 (3) r/w 3(5) of BNS, 2023 (Section 506(ii) r/w Section 34 of IPC) in Crime No.20 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that certain accused on 22.01.2025



joined together and threatened the public by brandishing veecharuval and

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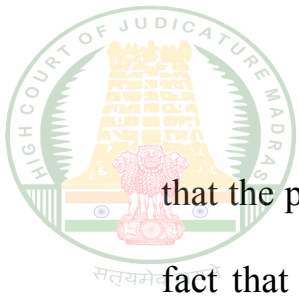
this was witnessed by the Sub Inspector, who was on patrol duty. Hence, the case was registered for the aforesaid offences.

3.Learned counsel appearing for the petitioner would submit that the petitioner was not named in the FIR and is sought to be implicated on the confession of A1 and A2; that the petitioner has no bad antecedents; that in any case, custodial interrogation is not required; and that the petitioner is ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioner.

4.Learned Public Prosecutor (Puducherry) appearing for the respondent police, while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that A1 and A2 were arrested on the spot and remanded and on their confession, the petitioner was implicated. He further confirmed that the petitioner has no bad antecedents.

5.Heard the learned counsel for the petitioner and the learned Public Prosecutor (Puducherry) appearing for the respondent police and perused the materials available on record.

6.Considering the nature of allegations against the petitioner; the fact



that the petitioner has been implicated on the confession of A1 and A2; and the

fact that the petitioner has no bad antecedents, this Court is of the view that

custodial interrogation is not required for the purpose of investigation, and

is inclined to grant anticipatory bail to the petitioner with certain conditions.

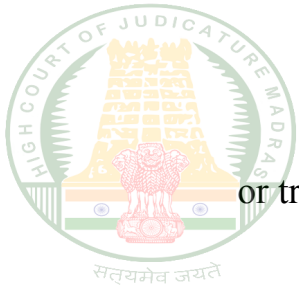
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned Judicial Magistrate No.II, Puducherry**, on condition that the petitioner shall execute 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 petitioner shall report before the respondent police daily 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 269 of B.N.S.

26.02.2025

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SUNDER MOHAN, J.

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- To
- 1.The Judicial Magistrate No.II, Puducherry.
 - 2.The Inspector of Police
Odiansalai Police Station,
Puducherry.
 - 3.The Public Prosecutor,
Puducherry.

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