

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Twenty Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL ORIGINAL PETITION No.2720 of 2018

SUNDAR @ SAKTHIVEL @
MADUVUPET SUNDAR

[PETITIONER / ACCUSED]

Vs

THE STATION HOUSE OFFICER
D NAGAR POLICE STATION,
THROUGH PP PUDUCHERRY.

[RESPONDENT]

For Petitioner : M/S.D.PRASANNA Advocate

For Respondent : MR.BHARATHA CHAKRAVARTHY PUBLIC PROSECUTOR
[PONDICHERRY]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

This is a petition for bail. The alleged offence against the petitioner is under Sections 147, 148, 342, 302, 201 read with 149 of IPC. The petitioner had been arrested and remanded to judicial custody on 18.12.2017. Therefore, the learned counsel appearing for petitioner seeks an order of bail.

2. Mr.Bharatha Chakravarthi, learned Public Prosecutor (Pondy) appearing for the respondent/State would submit that the petitioner is A1 in the said case and he had already been booked under Goondas Act by detention order dated 29.06.2017 by the District Collector, Puducherry. Subsequently, by order of this Court dated 13.10.2017 in HCP.No.1528 of 2017, the said detention order under Goondas Act was quashed. Thereafter, the petitioner was released from the Central Prison, Kalapet ,Puducherry, on 20.10.2017, as per the bail order dated 12.06.2017. The prosecutor would further state that as per the bail condition, the petitioner / Accused has to appear before the Station House Officer, Yanam Police Station, twice a day at 10.00 a.m and 5.00 p.m, continuously until further orders. However according to the report of the Superintendent of Police, Yanam, this petitioner did not appear at Yanam police station till 24.10.2017. Therefore, the prosecution filed the necessary petition before the concerned Court to cancel the bail granted to the petitioner.

3. The concerned Court accepting the petition of the prosecution, cancelled the bail granted to the petitioner and issued NBW by order dated 07.11.2017.

4. In the meanwhile, on 08.12.2017, the petitioner was arrested in connection with Crime No.141 of 2017 at Lawspet Police Station and he was remanded to judicial custody in Central Prison, Kalapet. Subsequently, the PT warrant was obtained from the concerned Court and on 18.12.2017, he was produced before the said Court and the said PT warrant was executed and thereby, he had been arrested on 18.12.2017.

5. The learned Public Prosecutor relying upon the counter affidavit filed by the respondent would submit that the charge sheet in this case had already been filed on 27.11.2017. Apart from this case, there are 16 cases pending against the petitioner at various police stations of the Pudhucherry State. Therefore, if he is released on bail, he would once again will jump over the bail and involve in similar type of crimes as the petitioner had already involved in atleast five murder cases. The prosecution would further state that if the petitioner is released on bail, he will threaten the Complainant and witnesses and thereby he will hamper the prosecution case which would be taken up for trail soon.

6. I have considered the said facts projected by the learned Public Prosecutor appearing for the respondent.

7. No plausible reason has been given by the petitioner for not complying with the bail condition already imposed by the Concerned Court. More over, since the petitioner has been involved in a number of cases, out of which, atleast in five cases, the charge of murder is framed against him and also he has proved that he is not in the habit of complying with the orders of this Court as a bail conditions.

8. This Court feels that no indulgence can be shown towards the petitioner for releasing him on bail as there is no guarantee for his compliance of the bail conditions and once, he flee from the clutches of law, it is very difficult for the prosecution to secure him and conduct the trial.

9. For all these reasons, this Court is not inclined to entertain this bail application of the petitioner. Accordingly, this petition stands dismissed.

-sd/-
26/03/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE STATION HOUSE OFFICER
D NAGAR POLICE STATION, THROUGH PP
PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PONDICHERRY.

3 THE OFFICER INCHARGE,
KALAPET JAIL, PONDICHERRY.

+1CC to GOVT. PLEADER charges SR NO.5931

CRL OP.2720/2018

Date :26/03/2018

MK:04/04/2018