

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

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA
CRIMINAL ORIGINAL PETITION No.13654 of 2018

ABDHUL NAZIR

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE STATION HOUSR OFFICER,
GRAND BAZHAR POLICE STATION,
PONDICHERRY.
CR.NO.37/2018

[RESPONDENT]

For Petitioner : M/S.S.KUMARAN Advocate

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

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 15.03.2018, for the alleged offences under Sections 147, 148, 302 and 212 r/w 149 of IPC in Crime No.37 of 2018, on the file of the respondent police, seeks bail.

2. Heard both sides.

3. The petitioner is arrayed as A1. The case of the prosecution is that the deceased in this case viz., one Maran @ Danusu murdered the brother of A1. Apart from that, there was also enmity between the persons belonging to two fishing hamlets, due to which, the petitioner along with other accused conspired to do away with the deceased and thereby, on the fateful day, the petitioner along with the other accused formed into a unlawful assembly and attacked the deceased with deadly weapons and committed the murder of the deceased in front of the Government Hospital, Pondicherry at about 20.30 hours. The charge against the petitioner is that he along with other accused conspired two days prior to the occurrence and that he had parked his motor cycle in the middle of the road preventing the other persons from reaching the deceased and the other accused has indiscriminately cut the deceased with aruval and other deadly weapons.

4. The 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 even as per the prosecution, the petitioner was said to have been present in the scene of occurrence by blocking other persons from going near the deceased, apart from that, there is no overtact against him. He would also submit that there is no previous case against the petitioner.

5. The learned Public Prosecutor (Pondicherry) would oppose the grant of bail stating that the petitioner along with other accused conspired to do away with the deceased, due to previous enmity and that two days prior to the occurrence, the petitioner along with the other accused conspired to do away with the deceased and that on the fateful day, the petitioner had parked his motorcycle in the middle of the road blocking the other people from reaching and protecting the deceased and that he has also threatened the other persons. He would also submit that one Thilaga and another Vinodini, who are arrayed as accused, are yet to be apprehended.

6. Taking into consideration the submissions made by the learned counsels and also taking note of the fact that the petitioner has been in custody since 15.03.2018, I am inclined to grant bail to the petitioner with the following conditions.

7. 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) two sureties each for a like sum to the satisfaction of the learned Principal Sessions Judge, Pondicherry, and on further condition that:

[a] the petitioner shall stay at Mahe and report before the Mahe Police Station daily at 10.30.a.m and 05.30.p.m until further orders.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
30/05/2018

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 PRINCIPAL SESSIONS JUDGE,
PONDICHERRY.

2 THE PUBLIC PROSECUTOR
PONDICHERRY.

3 THE SUPERINTENDENT,
CENTRAL PRISON, KALAPET, PONDICHERRY.

4 THE STATION HOUSR OFFICER,
GRAND BAZHAR POLICE STATION,
PONDICHERRY.

+1CC to M/S.S.KUMARAN Advocate on payment of necessary charges
SR NO.9624

CRL OP.13654/2018

Date :30/05/2018

MK:30/05/2018