

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.14354 of 2018

ELAVARASAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE STATION HOUSE OFFICER,
T.R.PATTINAM POLICE STATION,
KARAIKAL, PONDICHERRY,
CR.NO.2 OF 2017.

[RESPONDENT]

For Petitioner : M/S.R.SANKARASUBBU Advocate

For Respondent : MR. BHARATHA CHAKRAVARTHY, PUBLIC PROSECUTOR FOR
PUDUCHERRY

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner seeks bail in Crime No. 2 of 2017, registered by the respondent for the alleged offences under Sections 336, 427, 120-B r/w 34 of IPC and Under Sections 3 and 4 of Explosive Substance Act, 1908.

2. Heard both sides.

3. The petitioner is arrayed as A4. The case of the prosecution is that due to previous enmity, one Ezhilarasi, had hired certain persons to commit the murder of one Sivakumar and that the said Sivakumar was murdered on 03.01.2017, in respect of which, a case in Crime No.1 of 2017 was registered against the said Ezhilarasi and other 10 persons including the petitioner herein. The further allegation is that after committing the murder, on the way back, the petitioner along with the other accused had hurled country made bombs in the bar run by the said Sivakumar and a case has also been registered by the respondent police in Crime No.2 of 2017.

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 similarly placed accused have been granted bail by this Court and that the main accused in this case one Ezhilarasi has also been granted bail by this Court in CrI.O.P.No.22513 of 2017 dated 03.11.2017.

5. The learned Public Prosecutor (Pondicherry) would oppose the grant of bail stating that the petitioner is a member of notorious gang and he along with other accused committed the murder of one Sivakumar, who is an Ex-Minister of Pondicherry and had hurled country made bombs at the bar run by the said Sivakumar.

6. Taking into consideration the facts of the case and the submissions made by the learned counsels, 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 Judicial Magistrate-II, Karaikal, and on further condition that:

[a] the petitioner shall report before the respondent police 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 JUDICIAL MAGISTRATE,
NO.II, KARAIKAL,

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY.

3 THE STATION HOUSE OFFICER,
T.R.PATTINAM POLICE STATION,
KARAIKAL, PONDICHERRY.

4 THE PUBLIC PROSECUTOR,
PUDUCHERRY.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHIRAPALLI.

CC to M/S.R.SANKARASUBBU Advocate on payment of necessary
charges

CRL OP.14354/2018

Date :30/05/2018

MLT-30/05/2018