

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1446 of 2021

Sundar

... Petitioner

Vs.

The State Rep. by
The Station House Officer,
Puducherry.
(Crime No.293 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.293 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. S. Anburaja

For Respondent : Mr. V. Balamurugan,
PP (Puducherry)

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 03.10.2020 for the offence punishable under Sections 147, 148, 341, and 302 r/w. 149 IPC in Crime No.293 of 2020, seeks bail.

2. Totally there are eight accused and the petitioner is A1. The case of the prosecution is that the deceased in this case was doing real estate business and he was a Ward Councilor and there was previous enmity between the petitioner and the deceased. Whiles o, on 30.09.2020, the deceased was walking along the road, the petitioner along with other accused waylaid the deceased and attacked him with deadly weapons and committed murder. Hence, the case was registered.

3. The learned counsel for the petitioner would submit that except the petitioner all other accused were released on bail and investigation in this case has already been completed and now, the matter is pending for committal. He would further submit that due to previous enmity, the petitioner has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed for granting bail stating that both the petitioner and the deceased belongs to same place. Since the deceased, who is the local councilor, condemned the illegal activity of the petitioner, the petitioner along with other accused waylaid the petitioner and attacked him with dangerous weapons and caused his death. Now, final

report has been filed and the matter is pending for committal. He has also submitted that other accused in this case were already released on bail.

I have considered the rival submissions and perused the materials available on records carefully.

5. Considering the facts and circumstances of the case, and the fact that investigation is completed, final report has been filed and the matter is pending for committal and also the fact that co-accused in this case were already released on bail and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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 learned Judicial Magistrate No.I, Puducherry, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall stay at Karaikal and report before the Inspector of Police, Karaikal Town Police Station daily at 10.30 a.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

10/02/2021

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.I, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
PUDUCHERRY

4 THE STATION HOUSE OFFICER,
PUDUCHERRY.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY

6 THE INSPECTOR OF POLICE,
KARAIKAL TOWN POLICE STATION,
KARAIKAL.

CC to M/S. S.ANBURAJA Advocate on payment of necessary charges
Sr.1372

WEB COPY

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Date :10/02/2021

RVR 11/02/2021