



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.25489 of 2021

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Vicky @ Vickyroy

... Petitioner

Vs.

State represented by
The Station House Officer,
Mudaliarpet Police Station, through
The Public Prosecutor, Puducherry
(*) (Crime No.107 of 2019)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner/accused 11 on bail pending trail in S.C.No.43 of 2021 before the Learned III-Additional Sessions Judge, Puducherry.

For petitioner : M/s.A.R.Sakthivel

For Respondent : Mr.N.S.Suganthan
Government Advocate

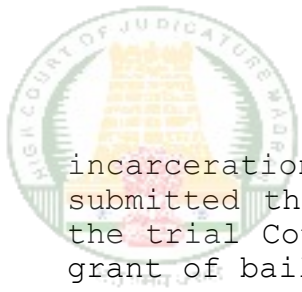
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 29.08.2021 for the offences under Sections 147, 148, 307 of IPC & 3 of Explosive Substances Act 1908 r/w. 149 of I.P.C., @ 109, 120-B, 147, 148, 341, 302 IPC read with 149 of IPC & 3 of Explosive Substances Act 1908 r/w. 149 of IPC., in **(*) (Crime No.107 of 2019)** on the file of the respondent police in S.C.No.43 of 2021 on the file of the learned III Additional Sessions Judge, Puducherry.

2. It is a case of jumped bail. The petitioner was arrested on P.T.Warrant on 29.08.2021 pursuant to the Non Bailable Warrant issued against him on 24.08.2021.

3. The learned Counsel for the petitioner submitted that the petitioner was earlier granted bail and thereafter, he was arrested in another case and thereby, the petitioner was unable to appear before the Court. Hence, the learned Judge ordered Non Bailable Warrant against the petitioner following which, the petitioner was arrested on P.T. Warrant on 29.08.2021 and that he has been suffering



incarceration for more than 110 days from 29.08.2021. He further submitted that the petitioner is prepared to appear regularly before the trial Court and to co-operate for the trial. Hence, he seeks for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl. Side) raised objection stating that if the petitioner is released on bail, he would again abscond and the trial would get stalled. He would submit that already 3 witnesses have been examined.

5. It is seen that the Sessions Case is of the year 2021. Trial also began and three of the witnesses have already been examined and that the petitioner is prepared to cross examine the witnesses. Hence, considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

(*)6. Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate-III, Puducherry, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(a) 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 appear before the trial Court daily at 10.30 a.m. for a period of 3 months and also on all Court hearings without fail and co-operate for the trial.

(c) the petitioner shall not tamper with evidence or witness during trial;

(d) the petitioner shall not abscond during 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]; and;



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

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-sd/-
23/12/2021

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.

(*) BEING MENTION ORDERED AS PER ORDER OF THIS COURT DATED 04/01/2022. BY THE ORDER ALREADY DESPATCHED ON 29/12/2021.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, PUDUCHERRY

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY (FOR INFORMATION)

3 STATION HOUSE OFFICE,
MUDALIARPET, POLICE STATION,
THROUGH THE PUBLIC PROSECUTOR,
PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

5 THE SUPERINTENDENT,
CENTRAL PRISON, KALAPET,
PUDUCHERRY

+2 CC to M/S.A.R.SAKTHIVEL Advocate on payment of necessary charges Sr.84

CRL OP.25489/2021

Date :23/12/2021

RVR 23/12/2021

RVR 04/01/2022