



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Cr1.O.P.No.793 of 2022

Manikandan @ Suthimani

.. Petitioner

Vs.

State Rep by
The Station House Officer
Mudaliarpur Police Station
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 No.9 on bail pending trial in S.C.No.47 of 2021 before the Learned III-Additional Sessions Judge, Puducherry.

For Petitioner : Mr.A.R.Sakthivel

For Respondent : Mr.V.Balamurugan
Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 28.09.2021 for the offences under Sections 147, 148, 307 I.P.C & 3 of Explosive Substances Act 1908 r/w 149 of I.P.C., @ 109, 120-B, 147, 148, 341, 302 I.P.C., r/w. 149 of I.P.C., & 3 of Explosive substances Act 1908 r/w. 149 of I.P.C in Crime No.107 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, as per the instructions of A16, the accused had planned to commit the murder on the Vinayagar Chaturthi day so as to create fear among the public who would gather at Kaaliyamman temple near AFT Ground during the festival. The prosecution has alleged that a country bomb was hurled which hit the temple wall and that the accused have committed the said murder. Hence the complaint.

3. The learned Counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He



further submits that the learned Special Judge, III Additional Sessions Judge, Puducherry dismissed the petitioner's earlier bail petition on the ground that the petitioner has not complied with the conditions imposed on the petitioner and now the petitioner has voluntarily surrendered before the respondent police and arrested and remanded to judicial custody. He further submits that the petitioner was suffering incarceration for 107 days from 28.09.2021. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise objection stating that a country bomb was hurled which hit the temple wall and that the accused have committed the murder petitioner. He further submitted the investigation almost completed. He further submits that the petitioner was arrested and remanded to judicial custody.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with conditions.

[a] 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;

[b] the petitioner shall execute two sureties out of which, one must be a blood surety and another be a local surety, for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the 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;

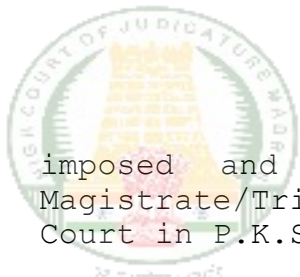
[c] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[d] the petitioner shall appear before the respondent police at 10.30 a.m., until further orders;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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;

[h]if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

12/01/2022

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-III,
PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE,
PUDUCHERRY.

3 THE ADDITIONAL SESSIONS JUDGE,
PUDUCHERRY.

4 THE STATION HOUSE OFFICER,
MUDALIARPET POLICE STATION,
PUDUCHERRY.

5 THE SUPERINTENDENT,
CENTRAL JAIL, PUDUCHERRY.

6 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+2 CC to A.R.SAKTHIVEL Advocate on payment of necessary charges
SR.NO.585

CRL OP.793/2022

Date :12/01/2022

INBA-19/01/2022