



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 11.04.2022

Pronounced on : 13.04.2022

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Cr1.O.P.No.8073 of 2022

Vignesh

... Petitioner/Accused 30

/versus/

The State represented by
Station House Officer,
Mudaliarpet Police Station,
Through Public Prosecutor,
Puducherry, Puducherry State.
(Crime No.185/2021)

... Respondent/Complainant

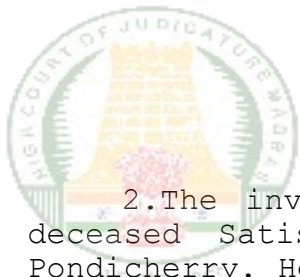
Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in connection with P.R.C.No.1 of 2022 on the file of the Judicial Magistrate-3, Puducherry, pending trial to secure the ends of justice.

For Petitioner : Mr.R.Sankara Subbu

For Respondent : Mr.V.Balamurugane
Public Prosecutor (Pondy)

ORDER

The petitioner, who was arrested and remanded into the judicial custody on 23.12.2021 for the alleged offences punishable under Sections 120-B, 109, 147, 148, 341, 302 of IPC and Section 3, 4 of Explosive Substances Act, 1908 r/w Section 149 of IPC in Crime No.185 of 2021, seeks bail.



2.The investigation by the respondent police revealed that the deceased Satish @ Bomb Ravi is a Notorious History Sheeter in Pondicherry. He had enmity with other rowdy elements in Pondicherry by name Vinoth and Manikandan @ Murder Mani. Earlier, the deceased Satish @ Bomb Ravi had fight over a land and threatened to kill Vinoth. He abused Murder Manikandan and insulted Murder Manikandan in front of his wife. Therefore, they both along with their gang members conspired to kill Satish @ Bomb Ravi. Pursuant to the said conspiracy hatched in the central prison Pondicherry and elsewhere, on 24/10/2021, one Satish @ Bomb Ravi and his friend Baride Antony Stephen were done to death by a gang of armed persons using aruval and country bomb. This petitioner was arrested on 23/12/2021 in connection with the double murder for being part of the gang which caused the murder of Bomb Ravi and Baride Antony Stephen.

3.The learned counsel for the petitioner submitted that, the investigation in this case completed and final report filed. The petitioner has to arrange for his defence and the petitioner is incarcerated for more than 130 days.

4.Contrarily, the learned Public Prosecutor for the Union Territory of Pondicherry submitted that, the gruesome murder of a notorious rowdy element by other notorious gang to gain supremacy has caused panic in the minds of the general public. The double murder committed in the broad day light at full view of general public in a residential area has caused panic in the mind of the general public and fear of retaliation by the supporters/sympathisers of the deceased person. Out of 31 accused involved in this case, 8 are still absconding and one of the accused believe to have escaped to France.

5.The records indicates that the petitioner herein along with the other conspirators helped the execution of the murder. The call details collected indicates that he has been in contact with other accused persons soon before and after the occurrence and guiding/assisting the assailants for the execution of the murder. Five (5) criminal cases are pending against this petitioner, which are grave IPC offences, some includes Arms Act. His release on bail will cause fear in the mind of the witnesses and likelihood of tampering the witnesses cannot be ruled out. Further, the Investigating Officer in the counter also expresses that the relatives/friends of the deceased persons are in aggressive mood, if the petitioner is released on bail, they may attempt to take the life of this petitioner, which will create law and order issue in the locality.



6. Considering the submissions made by both sides and taking into consideration the overall facts and circumstances like possibility of tampering witnesses and the fear of retaliation, this Court is of the view that the release of the petitioner on bail is not conducive for the smooth unhindered trial of the case. Hence, this Criminal Original Petition for bail is dismissed.

-sd/-
13/04/2022

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,
NO.3, PUDUCHERRY.

2 THE STATION HOUSE OFFICER,
MUDALIARPET POLICE STATION,
THROUGH PUBLIC PROSECUTOR,
PUDUCHERRY, PUDUCHERRY STATE.

3 THE SUPERINTENDENT,
CENTRAL PRISON, KALAPET, PUDUCHERRY

4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

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

CRL OP.8073/2022

Date :13/04/2022

JPA 21/04/2022