



WEB COPY



CrI.OP.No.17620 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Sudagar @ Abdullah

..Petitioner/A4

Vs.

State rep. by
Inspector of Police,
Mettupalayam Police Station,
Puducherry
crime No.84 of 2022

..Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in crime No.84 of 2022 pending
investigation on the file of the respondent police.

For Petitioner : Mr.Mohamed Riyaz

For Respondent : Mr.V.Balamurugane,
Public Prosecutor(Puducherry)

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 22.06.2022 for the offence punishable under Sections 143,



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120(b), 109 of IPC r/w 149 of IPC and Section 4 of Explosive Substances Act, 1908 and Section 25(1)(A) of Arms Act, 1959 in crime No.84 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on 14.06.2022, one, Iyappan along with other accused named Kuralarasan, Prathap, Sudhakar, Mohan, Raghu went to Puducherry Court to meet one, Tamilarasan (Remand Prisoner). He came to attend the case herein where he instigated the above persons to prepare a country made bomb and required a weapon to commit an incident in the area after his release. Accordingly, on 16.06.2022, one, Iyappan along with three others assembled together at Potheri Thick Yard where they conspired and prepared three country made bombs and hide in backside Red Yard. On 18.06.2022, the said Iyappan along with Raghu went there to transport the country made bombs to a safer place where on mere suspicion they are intercepted by the respondent police and search was conducted and they were arrested.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Public Prosecutor (Puducherry) appearing for the respondent police would submit that on the date of occurrence, the accused persons were found in possession of country made bombs. He would further submit that there are totally seven accused, in which the petitioner is arrayed as A4, who has three previous cases. Hence, he vehemently opposed to grant bail to the petitioner.

5. There are totally seven accused, in which the petitioner is arrayed as A4. Even according to the case of the prosecution, the petitioner along with other accused persons were in possession of country made bombs and they did not commit any offence. Considering the facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on



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his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-IV, Puducherry and on further conditions that:

[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 report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of six weeks and thereafter report before the respondent police as and when required for interrogation.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or 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.**



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State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned Judicial Magistrate-IV,
Puducherry
- 2.Inspector of Police,
Mettupalayam Police Station,
Puducherry
- 3.Central Prison,
Kalapet, Puducherry
- 4.The Public Prosecutor,
High Court of Madras

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