



WEB COPY



Crl.O.P.No.7660 of 2023

Crl.O.P.No.7660 of 2023

A.D.JAGADISH CHANDIRA, J.

The petitioner, who was arrested and remanded to judicial custody on 24.10.2021 for the alleged offence under Sections 120-B, 109, 147, 148, 341, 302 I.P.C. r/w 3, 4 of Explosive Substances Act, 1908 r/w 149 of IPC in Crime No.185 of 2021 on the file of the respondent police, seeks bail

2. The case of the prosecution is that on 24.10.2021 at about 16.30 hrs., the petitioner along with 8 named accused and 23 some other persons said to have waylaid the son of de-facto complainant and attacked him and also hurled bomb on him. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that this is the fifth application for bail filed by the petitioner before this Court and this Court, had dismissed the earlier bail applications filed in



CrI.O.P.No.7660 of 2023

CrI.O.P.Nos.14360, 26374, 30466, 32013 of 2022 vide orders dated 23.06.2022, 11.11.2022, 09.12.2022 and 05.01.2023. He further submitted that though the petitioner has not committed any offence as alleged by the prosecution, he was arrested on 24.10.2021. He also submitted that this Court, while dismissing the bail application on 05.01.2023, had directed the Presiding Officer, who is in-charge, to complete the trial and dispose the case as early as possible, however, despite the lapse of three months, the trial has not been completed. Thereby, he prayed for grant of bail to the petitioner.

4. Learned Additional Public Prosecutor (Puducherry) appearing for the respondent police submitted that this is the fifth bail application of the petitioner. He further submitted that this Court after taking into consideration the submissions made by the learned counsel for the petitioner as well as the respondent in detail and also considering the fact that there is every possibility for the petitioner to tamper the witnesses and there is no change in circumstances, had dismissed the earlier bail application with a direction to the trial Court. He also



CrI.O.P.No.7660 of 2023

WEB COPY

submitted that pursuant to the order passed by this Court on 05.01.2023, the case in P.R.C.No.1 of 2022 has been committed to S.C.No.58 of 2022 pending on the file of the learned III Additional District Judge, Puducherry and there are 77 witnesses in this case and the case now stands posted for examination of witnesses LW11 to LW30 on 17.04.2023 and the prosecution would be able to complete the trial as early as possible. Therefore, he opposed for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Puducherry) for the respondent and perused the materials available on record.

6. It is seen from the records that this Court, while dismissing the earlier application for bail filed by the petitioner had directed the trial Court to complete the trial and dispose the case as early as possible and it is also seen that that now, the case stands posted on 17.04.2023 for examination of witnesses LW11 to LW30 and summons were also served on them. In such circumstances, this Court feels that there is no change



Crl.O.P.No.7660 of 2023

WEB COPY

of circumstances, thereby, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition stands dismissed. However, the trial Court is directed to complete the trial as expeditiously as possible, on a day to day basis.

12.04.2023

ham



WEB COPY



Crl.O.P.No.7660 of 2023

A.D.JAGADISH CHANDIRA, J.

ham

Crl.O.P.No.7660 of 2023

12.04.2023

Page 5 of 5