



CrI.OP.No.10986 of 2023

CrI.O.P.No.10986 of 2023

T.V.THAMILSELVI, J.

The petitioner, who was arrested and remanded to judicial custody on 23.12.2021 for the offences punishable under Sections 120B, 109, 147, 148, 341, 302 of IPC and Sections 3 & 4 of the Explosives Substances Act, 1908 r/w Section 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, due to previous enmity, the petitioner and other accused persons conspired together and with a common object way laded the deceased and his friend and assaulted them with deadly weapons like Veecharuval, country made bomb and murdered them. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the deceased is a History Sheeter and he had enmity with other rowdy elements. He further submitted that the overtact against the petitioner is that he communicated with the 3rd accused over the mobile about the conspiracy of the murder. Further, the respondent filed a final report in



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Crime No.185 of 2021, which was taken on file of the learned III Additional District Judge, Puducherry in S.C.No.58 of 2022 and the trial has also commenced and out of 77 prosecution witnesses 56 witnesses were examined. None of the witnesses speaks about the accused and he undertakes to co-operate before the trial Court. He also submitted that the petitioner was arrested and remanded to judicial custody on 23.12.2021 and incarcerated for the past seventeen months. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that this is the Second bail petition filed by the petitioner and the earlier petition filed by the petitioner was dismissed as withdrawn on 22.06.2022. He further submitted that totally there are 31 accused persons and the petitioner is arrayed as A30. The specific overtact as against the petitioner is that he made all the arrangements for the commission of murder and he supplied all the weapons to other accused persons. Further the bail petition filed by the co-accused in Crl.O.P.No.8073 of 2022 has been dismissed by this Court by an order dated 13.04.2022. The trial has been commenced, out of 79 witnesses 59 witnesses were examined. Remaining 20 witnesses are yet to be examined. If the petitioner released on bail, he would tamper the witnesses and hamper the evidence. Hence, he vehemently opposed to grant bail to the petitioner.



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5. It is seen that the petitioner had committed very serious and heinous offence as general public. Further, the trial has been commenced and 20 witnesses are yet to be examined. At this stage, if the petitioner released on bail, he would tamper the witnesses and hamper the evidence. Taking consideration of the above facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petitions is dismissed. However, the learned trial Judge is directed to complete the trial as expeditiously as possible, preferably within a period of four months from the date of this order.

22.06.2023

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