



Crl.OP.No.11776 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11776 of 2023

Thamizhselvan @ Thamizh

... Petitioner

Vs.

State Rep. by,
The Inspector of Police,
Villianur Police Station,
Puducherry District.
(Crime No.78 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner on bail in Crime No.78 of 2023, on the file
of the Respondent Police.

For Petitioner : Mr.M.P.Yuvaraj

For Respondent : Mr.K.S.Mohandass
Public Prosecutor
[Puducherry]



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 05.04.2023 for the offences punishable under Sections 25(1)(a) of Arms Act, 1959 and 506(ii) of I.P.C. read with 34 of I.P.C in Crime No.78 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the on 05.04.2023, when the Sub-Inspector of Police along with his crime team were patrolling at night near Malliga Theatre, Samiyarthoppu, they had spotted one known person and some unknown persons who were standing in a suspicious circumstances. As soon as they saw Police persons, they tried to escape the place but the Police team caught hold them and enquired them. Based on enquiry, it revealed that they have been in possession of knife in a suspicious manner with a view to commit some cognizable offence. Hence, the Police registered F.I.R. against the Petitioner and other accused arrested.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and no way connected with the



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above alleged offences and he is falsely implicated because of the previous cases. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.side) appearing for the Respondent objected the submissions made on behalf of the Petitioner by stating that the petitioner / Accused along with others were roaming in the area with knives to commit some cognizable offence. He further contended that the petitioner is having six previous cases against him, which includes cases registered under Explosive Substances Act, 302 and 307 of I.P.C and the investigation is yet to be completed and if the Petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.

5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered by the Petitioner, this Court is inclined to grant bail to the Petitioner with certain conditions:



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7. Accordingly, the Petitioner is ordered to be released on bail on his executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Puducherry and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the Petitioner shall stay at Chennai and report before the Inspector of Police, B1 North Beach Police Station, Chennai daily at 10.00 a.m. and 7:00 p.m. and he should not leave without obtaining proper permission from the Inspector of Police, B1 North Beach Police Station, Chennai, until further orders;

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;



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(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

25.05.2023

Jeni/Mpl

To

- 1.The Judicial Magistrate No.III,
Puducherry.
- 2.The Inspector of Police,
Villianur Police Station,
Puducherry District.
- 3.The Central Prison,
Puducherry.
- 4.The Public Prosecutor,
High Court of Madras.



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SATHI KUMAR SUKUMARA KURUP,J.

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