



Crl.O.P.No.20069 of 2023

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G.CHANDRASEKHARAN. J.

The petitioner, who was arrested and remanded to judicial custody on 28.06.2023 for the offences punishable under Section 341, 120 (b), 397 I.P.C r/w 34 I.P.C in Crime No.2 of 2023 on the file of the respondent, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner was already granted bail in this case by the trial Court. However, he has not yet complied with the conditions till date. Therefore, he was arrested and remanded. Petitioner is in judicial custody from 28.06.2023. Thus, he prays for grant of bail.

3. In response, learned Additional Public Prosecutor (Puducherry) submitted that, though the petitioner was already granted bail by the trial court, he did not observe the conditions, necessitating cancellation of bail and his consequent arrest. When the petitioner was in bail, he committed a similar offence and a case in Crime No.55 of 2023 was registered by the Grand Bazaar Police Station, Puducherry. That apart, he has three more



Crl.O.P.No.20069 of 2023

previous cases pending.

Details of which are as follows:-

- a) *Cr.No.156 of 2015 under Sections 147, 148, 120(B), 302 read with 149 IPC of Villianur PS.*
- b) *Cr.No.33 of 2019 under Sections 399, 402 & 27 of Arms Act & 3 of Explosive Act of Lawspet PS.*
- c) *Cr.No.115 of 2019 under Sections 324, 506(II) read with 34 IPC of Lawspet PS.*

4.Considered the rival submissions and perused the records.

5.This is second bail petition. Earlier bail petition in Crl.O.P.No16559 of 2023 was dismissed on 31.07.2023, for the reason that petitioner has five cases pending against him.

6.The learned counsel for the petitioner now submitted that petitioner was granted bail in Cr.M.P.No.2180 of 2023 on 28.06.2023. All other accused in this case had been granted bail. Thus, he seeks bail.

7.In reply, the learned Additional Public Prosecutor (Puducherry) strongly opposed this petition on the ground that petitioner is habitual



CrI.O.P.No.20069 of 2023

offender. He has three previous cases pending against him and one case is registered subsequent to the registration of case in Cr.No.2 of 2023. Though, he was granted bail in Cr.No.2 of 2023, he has not complied the condition and therefore, he was again arrested and remanded in judicial custody. He apprehends that, if petitioner is released on bail, he would again commit similar offence. Thus, he strongly opposed the release of petitioner on bail.

8.In the circumstances stated by the learned counsel appearing for the parties, especially the submission of learned Additional Public Prosecutor (Puducherry) that petitioner has three similar previous cases pending against him in the stage of trial, he is also an accused in Cr.No.55 of 2023 registered subsequent to the registration of Cr.No.2 of 2023 and the apprehension of the learned Additional Public Prosecutor (Puducherry) that if petitioner is released on bail, he would again commit similar offence, this Court is not inclined to grant bail to the petitioner.

9.Accordingly, this Criminal Original Petition is dismissed.



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11.09.2023

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Crl.O.P.No.20069 of 2023



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Crl.O.P.No.20069 of 2023

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