



CrI.OP.No.22881 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

CrI.OP.No.22881 of 2023

Melvin @ Meshak Melvin Mallaiya
S/o.Chellappa

...Petitioner/A1

Vs.

State rep. by
The Station House Officer,
D.Nagar Police Station,
Puducherry.
(Crime No.02 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.02 of 2023 pending investigation on the file of the Station House Officer, D.Nagar Police Station, Puducherry.

For Petitioner : Mr.A.Jeeva

For Respondent : Mr.M.V.Ramachandra Murthy
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 28.06.2023 for the offence punishable under Sections 341, 120(B), 397 IPC r/w 34 of IPC in Crime No.02 of 2023 on the file of the respondent police, seeks bail.

2.It is stated that in this case the petitioner was granted bail, but he did not comply with the conditions, necessitating issuance of Non-bailable warrant and then he had been secured again. In the interregnum period, the petitioner had been once again committed an offence. It is seen that as against the petitioner there are three separate First Information Report registered namely, Crime No.156 of 2015 under Sections 147, 148, 120(B), 302 read with 149 IPC of Villianur Police Station, Crime No.33 of 2019 under Sections 399, 402 & 27 of Arms Act and 3 of Explosive Act of Lawspet Police Station and Crime No.115 of 2019 under Section 324, 506(ii) read with 34 IPC of Lawspet Police Station. It is also stated that the petitioner had been granted bail in all the other cases.



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3.The learned Additional Public Prosecutor on the side of the respondent opposed for grant of bail by saying that the petitioner is an habitual offender and that there is always every possibility of committing the offences once again. It is also stated that when he was released on bail in the present case, he had again committed further offence, but in that particular offence, he had been granted bail. It is also stated that all the other accused have been granted bail.

4.There seems to be a continuous issue with the petitioner being involved in the offence and bail being granted.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties, out of which one surety must be a close blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Puducherry and on further conditions that :-



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[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, 02.30 p.m, and 05.30 p.m., until further orders.

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



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

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Smv

To

- 1.The Judicial Magistrate No.I, Puducherry district.
- 2.The Central Prison,
Kalapet,
Puducherry.
- 3.The Public Prosecutor,
High Court of Madras



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C.V.KARTHIKEYAN. J.

Smv

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