



WEB COPY



CRL OP.No.29017 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No. 29017 of 2023

Vivek, M/A 32
S/o.Ravi,
No.2/73, East Street,
Mettupalayam Post,
Parasureddipalayam,
Motchakulam,
Villupuram District,
Tamilnadu – 605105.

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Thirubuvanai Police Station,
Puducherry District.
(Cr.No.154/2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., pleaded to enlarge the petitioner / Accused on bail in Crime No.154 of 2023 pending on the file of the respondent Police.

For Petitioner : Mr.U.Yuvaraj

For Respondent : Mr. K.S. Mohandass,
Public Prosecutor (Puducherry)
assisted by Mr. A. Alexander.



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ORDER

The petitioner/Accused who was arrested and remanded to judicial custody on 06.11.2023 for the offence punishable under Sections 294(b), 323, 448, 427, 506(ii) IPC r/w Sec.34 of IPC and Section 3 of Explosive Substances Act 1908 in Crime No. 154 of 2023 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 31.10.2023 at 12.15 AM, the petitioner along with other accused had trespassed into the Arrack shop and abused the defacto complainant in filthy language and hurled the arrack bottles into the shop and caused injuries to the defacto complainant and damaged the motorcycle parked inside the arrack shop and hence has committed the offence under Sections 294(b), 323, 448, 427, 506(ii) read with 34 of the Indian Penal Code and Section 3 of the Explosive Substances Act, 1908.

3. The learned counsel for the petitioner would contend that the petitioner is innocent and a false case has been foisted against him. He



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would further submit that he is the permanent resident of the above said address and he will not abscond if he is released on bail. Hence, he seeks bail.

4. The learned Additional Public Prosecutor would submit that that investigation in this case is at initial stage and offences are grave in nature. It is further submitted that the petitioner has got previous cases and hence, strongly opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side and considering the fact that investigation is not yet completed and considering the fact that the petitioner has got previous cases including murder cases and also considering the gravity of the offence, I am declined to grant bail to the petitioner. Accordingly, this petition is dismissed.

29.12.2023

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P. DHANABAL,J

ay/ssa

TO

- 1.The Inspector of Police,
Thirubuvanai Police Station,
Puducherry District.
- 2.The Public Prosecutor,
Madras High Court.

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