



CrI.O.P.No.6074 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

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

CrI.O.P.No.6074 of 2024

Udhaya @ Udhayakumar

..Petitioner

Vs.

State represented by
The Station House Officer,
Mudaliarpet Police Station,
Puducherry.
(Crime No.185 of 2021).
...Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.87 of 2023 on the file of the learned III Additional Sessions Judge, Puducherry.

For petitioner : Mr.A.Murugavel

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherr)
Assisted by M/s.N.Danalatchumy

ORDER

The petitioner/A31 seeks bail in S.C.No.87 of 2023 now pending



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before the learned III Additional Sessions Judge, Puducherry.

2.Originally, Crime No.185 of 2021 had been registered by the respondent Police for the offences under Sections 120B, 109, 147, 148, 341, 302 of IPC and Sections 3 and 4 of Explosive Substances Act 1908 r/w Sections 301 and 149 IPC. The petitioner had been remanded to judicial custody on 05.09.2023.

3.During the course of trial, the petitioner/A31, A11, A14 had absconded and therefore, the learned Sessions Judge, Puducherry, had in S.C.No.58 of 2022, split up S.C.No.87 of 2023. Subsequently, it has also been clubbed.

4.A report had been received from the III Additional District Judge, Puducherry wherein he had stated that after clubbing of the two sessions cases, 41 witnesses were recalled and examined further. At that point, the Investigating Officer had filed a petition under Section 173(8) of Cr.P.C and that was allowed.

5.The learned Public Prosecutor (Puducherry) raised objections stating that the petitioner had absconded during the trial process and therefore, the entire trial has come to a halt. It is stated that there is every



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possibility of the petitioner once again absconding.

6.However, taking all the factors into consideration and the period of incarceration and also of the fact that the matter is now under further investigation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, (out of which, one must be a blood related surety) each for a like sum to the satisfaction of the learned III Additional Sessions Judge, Puducherry and on further conditions that:

[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 III Additional Sessions Judge, Puducherry, everyday, till completion of the trial.

[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.



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[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].

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

19.03.2024

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To

- 1.The III Additional Sessions Judge, Puducherry.
2. The Central Prison, Cuddalore.
- 3.The Station House Officer,
Mudaliarpur Police Station,
Puducherry.
- 4.The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN. J.

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