



CrI.O.P.No.9062 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.04.2024

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

CrI.O.P.No.9062 of 2024

Dinesh @ Sebastian,
S/o.Lourdusamy

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Mudaliarpot Police Station,
Puducherry.
(Crime No.185 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.185 of 2021 pending on the file of respondent police.

For Petitioner : Ms.Priyanka

For Respondent : Mr.K.S.Mohandoss,
Public Prosecutor (Pudy.)

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 11.10.2023 for the alleged offence under Sections 109, 143, 147, 148, 341, 302 I.P.C. r/w 149 of I.P.C. and Sec.3 of Explosive Substances Act, 1908 in Crime No.185 of 2021 on the file of the respondent police, seeks bail.

2. The case of prosecution is that on 24.10.2021 around 14.30 hours at Rajarajan Street, Vanarapet, Puducherry, due to previous enmity, the petitioner along with other accused formed themselves into an unlawful assembly with a common object and waylaid the defacto complainant's son Sathish @ Bomb Ravi and his friend Baride Antony Stephen, thereby hurdled country made bomb and also assaulted them with deadly weapon, as a result of which, they said to have committed murder of defacto complainant's son. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected with the offence. He would submit that he has not at all committed any of



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offence as alleged by the respondent police and due to previous enmity, he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 6 months from 11.10.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that it is a double-murder case and the petitioner is arrayed as A14 in this case. He would submit that on the date of occurrence, due to previous enmity, the petitioner along with other accused attacked the defacto complainant's son with deadly weapon, due to which he sustained grievous injury and died. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation. He would submit that already final report was filed, however, the concerned I.O. had filed application seeking for further investigation. Hence, he vehemently opposed to grant bail to the petitioner.



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5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the final report was filed, however, the Investigating Officer had filed an application seeking for further investigation and also considering the period of incarceration undergone by the petitioner, 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 condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **III Addl. District Judge, Puducherry** and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned 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. for the period of four months;

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during



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investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

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To

1. The III Addl. District Judge, Puducherry.
2. Inspector of Police, Mudaliarpur Police Station, Puducherry.
3. The Superintendent of Prison, Central Prison, Kalapet, Puducherry.
4. The Public Prosecutor, High Court of Madras, Chennai.

T.V. THAMILSELVI, J.



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