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CrI.O.P.No.21634 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HON'BLE MR. JUSTICE **P.DHANABAL**

CrI.O.P.No.21634 of 2024

Soori @ Sorriyaprakash

... Petitioner

Vs.

The State represented by,
The Station House Officer,
Neravy Police Station,
Karaikal.
(Crime No. 1 of 2017).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
2023 to enlarge the petitioner on bail in P.R.C.No.09 of 2023 on the file of
the learned Judicial Magistrate No.I, at Karaikal.

For Petitioner : Mr.D.Ananthapadmanabhan

For Respondent : Mr.K.S.Mohandass,
Public Prosecutor, Pondicherry.

ORDER

The petitioner seeks bail in P.R.C.No.09 of 2023 in Crime No. 1 of
2017 pending on the file of Judicial Magistrate No.I, at Karaikal, for the
offence punishable under Section 302 of IPC. The petitioner has been



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remanded to judicial custody on 13.02.2024 on execution of NBW issued against him on 25.01.2023.

2. The case of the prosecution is that on 03.01.2017 at about 12.30 hours, while the defacto complainant was working at Ganesh Bar in T.P.Pattinam PSL, which belongs to Thiru.VMC Sivakumar, Ex-MLA, the petitioner along with other accused persons, in furtherance of their common intention to endanger the life and personal safety of the people, hurled country made bombs at the gate of Ganesh Bar, thereby causing damages to the bar. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner is an accused facing trial in P.R.C.No.09 of 2023 on the file of Judicial Magistrate No.I, at Karaikal. He further submit that the petitioner was detained in Coimbatore Central Prison, and having known detention of the accused, the petitioner was produced on P.T. Warrant before the Judicial Magistrate No.I, Karaikal on 13.02.2024, and he was arrested on the same day. He also submitted that the detention of the



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petitioner under Goondas Act was also revoked by this Court. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) for the respondent would submit that the petitioner along with other accused persons hurled country made bombs at the gate of Ganesh Bar, thereby causing damages to the bar. He further submit that the petitioner, A7 in this case, facing trial in P.R.C.No.09 of 2023 on the file of Judicial Magistrate No.I, at Karaikal. has failed to appear before the trial Court and therefore, the trial Court has issued a NBW against the petitioner on 25.01.2023, and pursuant to which, he was arrested and remanded to judicial custody on 13.02.2024. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the fact that bail was already granted to the petitioner and due to his non-appearance NBW was issued, nature of offence, and investigation was also completed and considering the case is pending in



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PRC stage for committal before the Sessions Court, and the detention order of the petitioner was also revoked by this Court, and also the petitioner is in judicial custody from 13.02.2024 and also considering that though the petitioner is having some previous cases and in all the cases, he has been granted bail, and also considering all other factors, this Court is inclined to grant bail to the petitioner with certain conditions:

[a] 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 for a like sum to the satisfaction of the concerned learned Judicial Magistrate No.I, Karaikal, and on further conditions that:

[b] the petitioner shall report before the concerned Jurisdictional Magistrate, daily at 10.30 a.m., until further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



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[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 269 B.N.S.

10.09.2024

drl

To

- 1.The Judicial Magistrate No.I,
Karaikal.
- 2.The Station House Officer,
Neravy Police Station,
Karaikal.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
Puducherry.

P.DHANABAL, J.

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