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CRL O.P. No.23166 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :26.09.2024

CORAM

The Hon'ble Mr.Justice P.DHANABAL

CRL OP.No.23166 of 2024

Soori @ Sorriyaprakash
S/o. Vencent Andrews

... Petitioner

Vs

State rep. by:-

The Station House Officer,
T.R.Pattinam Police Station,
Karaikal.

... Respondent

[Cr. No.2 of 2017]

For Petitioner : Mr.D.Anantha Padmanabhan

For Respondent : Mr.M.V.Ramachandra Murthy,
Additional Public Prosecutor (Puducherry)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER: - The Criminal Original Petition is filed under Section 439 of the Cr.P.C. praying to grant bail to the petitioner in P.R.C.No.03 of 2023 on the file of the learned Judicial Magistrate No.I, Karaikal.

ORDER

The petitioner/accused, who was arrested for the offences punishable under Sections 336, 427, 120(B) of Indian Penal Code, 1860,



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and Section 3 and 4 of Explosives Substances Act, in P.R.C.No.03 of 2023 on the file of the Learned Judicial Magistrate No.I, Karaikal, seeks bail.

2. The case of the prosecution is that the petitioner was initially arrested and remanded to judicial custody and later, released on bail. Since he has been absconding from appearing before the Judicial Magistrate No.I, Karaikal, NBW was issued and the same was executed and subsequently, the petitioner was remanded to judicial custody on 13.02.2024. Hence, the case.

3. The learned counsel for the petitioner would contend that the petitioner is an innocent and a false case has been foisted against him. He would further submit that there is no previous case as against the petitioner and he is no way connected with the said occurrence. Hence, he seeks bail.

4. The learned Additional Public Prosecutor (Puducherry) would submit that the petitioner was initially arrested and remanded to judicial



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custody and later, released on bail. Since he has been absconding from appearing before the Judicial Magistrate No.I, Karaikal, NBW was issued and the same was executed and the petitioner was remanded to judicial custody on 13.02.2024. Hence he opposed to grant bail to the petitioner.

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

6. Considering the representation made on either side and considering the nature of offences involved in this case and the fact that already bail was granted to the petitioner and thereby, due to absconding of the petitioner, NBW was issued and the same was executed and the petitioner was remanded to judicial custody on 13.02.2024 and now, the case is posted for committal and also considering the period of incarceration, I am inclined to **grant bail** to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on



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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 learned ***Judicial Magistrate No-I, Karaikal***, and on further conditions that:

[b] the petitioner shall report before the Judicial Magistrate concerned on all working days at 10.00 am, until further orders.

[c] the petitioner shall attend in accordance with the conditions of the bond.

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

[e] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected.

[f] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

[g] 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



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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].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

26.09.2024

index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
ssa

To

- 1.The Judicial Magistrate No.I, Karaikal.
- 2.The Station House Officer,
T.R.Pattinam Police Station,
Karaikal.
[Crime No.2 of 2017]
- 3.The Central Prison, Coimbatore.
- 4.The Additional Public Prosecutor, High Court, Madras.



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P.DHANABAL,J.

ssa

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