



WEB COPY



CrI.O.P.No.27153 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

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

CrI.O.P.No.27153 of 2024

1.Shanmugam
2.Pambu @ Praveen

... Petitioners

Vs.

State represented by
The Inspector of Police,
T.R.Pattinam Police Station,
Karaikal, Karaikal District.
Puducherry.
(Crime No.01 of 2017).

... Respondent

PRAYER: Criminal Original Petition filed under Section 483 of B.N.S.S.,
pleaded to enlarge the petitioner on bail, in P.R.C.No.9 of 2023 on the file of
Judicial Magistrate No.I, Karaikal, connected with Crime No.01 of 2017 on
the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Puducherry)
Assisted by
Mrs.N.Danalatchumy



Crl.O.P.No.27153 of 2024

WEB COPY

ORDER

The petitioners seek bail in P.R.C.No.9 of 2023 on the file of Judicial Magistrate No.I, Karaikal, in connection with Crime No.01 of 2017 for the offences punishable under Sections 147, 148, 332, 395, 341, 307, 449, 302, 120(B), 427, 109, 182(A), 419 r/w 149 of IPC and Sections 3 and 4 of Explosive Substances Act, 1908. The petitioners have been remanded to custody on 13.02.2024 on execution of NBW issued against them on 25.01.2023.

2.It is a case of jumped bail. The petitioners/A8 and A9 are accused in P.R.C.No.9 of 2023 on the file of Judicial Magistrate No.I, Karaikal. The petitioners were already granted bail, however, due to non appearance before the Court, Non Bailable Warrant has been issued against them on 25.01.2023 and the same was executed on 13.02.2024.

3.Learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the petitioners were unable to appear before the Trial Court, as a result of non appearance, NBW was issued against them. He further



Crl.O.P.No.27153 of 2024

submitted that the petitioners have been in custody from 13.02.2024. Hence, he prays for grant of bail to the petitioners.

4.Learned Government Advocate (Crl. Side) for the respondent submitted that the petitioners were already granted bail and due to non appearance, NBW was issued against the petitioners and they were secured only on 13.02.2024. He further submitted that the case is now posted for committal. However, he vehemently opposed to grant bail to the petitioners.

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

6. Considering that the petitioners were already granted bail and thereafter, due to their non appearance before the Trial Court, NBW was issued and the same has been executed, and the petitioners are in judicial custody from 13.02.2024 and now the case is posted for committal, and also considering all other factors, this Court is inclined to grant bail to the petitioners subject to the following conditions:



CrI.O.P.No.27153 of 2024

WEB COPY

[a] Accordingly, the Petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Karaikal and on further conditions that;

[b] the Petitioners shall report before the concerned Jurisdictional Magistrate on all working days at 10.30 am., until further orders, without fail.

[c] the Petitioners shall not commit any offences of similar to the offence of which they are accused, or suspected, or of the commission of which they are suspected;

[d] the Petitioners 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 them from disclosing such facts to the Court or to any police officer;

[e] the Petitioners shall not abscond 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



CrI.O.P.No.27153 of 2024

the Petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]; and

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

29.10.2024

drl

To

- 1.The Judicial Magistrate No.I,
Karaikal.
- 2.The Inspector of Police,
T.R.Pattinam Police Station,
Karaikal, Karaikal District.
Puducherry.
- 3.The Superintendent,
Central Prison, Trichy.
- 4.The Public Prosecutor,
Puducherry.

P.DHANABAL, J.



WEB COPY



Crl.O.P.No.27153 of 2024

drl

Crl.O.P.No.27153 of 2024

29.10.2024