



CrI.O.P.No.29487 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 29487 of 2024

Sugan @ Pradeep

... Petitioner

Vs.

State rep. by
The Station House Officer,
Kalapet P.S.,
Puducherry.
(Cr.No. 46 of 2019)

... Respondent

PRAYER : Criminal Original Petition filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge him on bail in S.C. No. 91 of 2023
pending on the file of the II Additional Sessions Judge at Puducherry.

For Petitioner : Mr.V. Balamurugan

For Respondent : Mr.K.S. Mohandass
Public Prosecutor (Puducherry)
assisted by
Mr.N. Danalachumy

ORDER

Petition seeking bail in respect of S.C.No.91 of 2023 pending on the file
of the II Additional Sessions Judge, Puducherry in connection with Crime No.46
of 2019 registered for the offences punishable under Sections 120B, 302 109 r/w



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34 IPC and Section 3 of Explosive Substances Act, 1908 is on board for consideration.

2.Learned counsel for the petitioner submits that the petitioner is an accused/A5 facing trial in S.C.No.91 of 2023 pending on the file of the II Additional Sessions Judge, Puducherry. He further submits that the non-appearance of the petitioner before the Court of Judicial Magistrate No.II, Puducherry on 07.11.2023 was due to his ill health. Since the petitioner was unable to appear before the Court of Judicial Magistrate No.II, Puducherry on 07.11.2023, a Non Bailable Warrant of arrest was issued against him and pursuant to the same, he was formally arrested on 20.03.2024 and was in custody for more than nine months. He further submits that the petitioner had been set free from judicial custody in another case in Crime No. 3 of 2024 by virtue of mandatory bail granted by the Court of Judicial Magistrate No.III, Puducherry. He further undertakes that the petitioner will appear before the trial Court on all hearing dates without fail and he will co-operate for speedy disposal of the trial. Hence, he prayed for grant of bail to the petitioner.

3.Learned Government Advocate (CrI.Side) appearing for the



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respondent, while objecting for grant of bail, submits that the petitioner/A5, who is facing trial in S.C.No. 91 of 2023 before the II Additional Sessions Judge, Puducherry has failed to appear before the Court of Judicial Magistrate II, Puducherry, on 07.11.2023, thereby, the learned Judge has issued a Non-Bailable Warrant of arrest against him and the same was executed on 20.03.2024. He further submits that the case now stands posted on 09.01.2025 for framing of charges. He also submits that 33 previous cases are pending against the petitioner, therefore if he is enlarged on bail, there is every possibility of him absconding and not available for trial proceedings.

4.Having heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record, including the counter filed by the respondent and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions and accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only)** with **two sureties** (Out of the two sureties one should be either Mother or Father of the petitioner), each for a like sum to the satisfaction of the II Additional Sessions Judge, Puducherry and on



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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 appear before the learned II Additional Sessions Judge, Puducherry on all working days at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial and shall co-operate for speedy disposal of the trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[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 269 of B.N.S.

05.12.2024

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To



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1. The II Additional Sessions Court,
Puducherry.
2. The Station House Officer,
Kalapet P.S.,
Puducherry.
3. The Superintendent,
Central Prison, Kalapet.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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