

CrI.O.P.No.10813 of 2016

B.GOKULDAS, J.

The petitioner is A3 and he was arrested and remanded to judicial custody on 26.10.2015 for the alleged offences punishable under sections 302, 120(b) and 449 of IPC, in Crime No. 486 of 2011 on the file of the respondent police and hence, seeks bail.

2. The learned counsel appearing for the petitioner submitted that the occurrence is of the year 2011 and the charge sheet has been filed in S.C.No. 47 of 2015 and the Non bailable warrant has been issued on 16.10.2015. It is further submitted that the petitioner has been in judicial custody for more than 7 months.

3. The learned Government Advocate (Criminal side) appearing for the respondent would submit that this is the second bail application and the charge sheet has been filed, which was taken on file in S.C.No. 47 of 2015.

4. Taking into consideration the change of circumstances and the period of custody and the main case is in trial, this Court is of the view that this is a fit case to grant bail to the petitioner. Accordingly, he is ordered to be released on bail, subject to the following stringent conditions:

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(i) the petitioner shall 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.V, Salem.

(ii) the petitioner shall report before the trial Court, daily at 10.00 a.m., until further orders.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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]**.

26.05.2016

vsg/mps

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