

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.A.No.475 of 2018

S.Nagaraj

.. Appellants/Single Accused

Vs

State by

Inspector of Police,
Dhali Police Station,
Tiiruppur District,
(Crime No.262 of 2017)

.. Respondent/Complainant

Prayer: Criminal Appeal Petition filed under Section 14 of Schedule Cast/Schedule Tribes (Prevention of atrocities) Amendment Act, to allow the appeal and set aside the order passed in bail petition in Crl.M.P.No.1170 of 2018 dated 23.07.2018 on the file of the Principal Session Judge , Tiruppur, Tiruppur District and release the appellant on bail in SPL.S.C.No.2 of 2018 on the file of the Principal Session Judge, Tiruppur, Tiruppur District.

For Petitioner : Mr.S.Parameswaran

For Respondent : Mr.S.Thankira
Government Advocate (Crl.Side)

O R D E R

This petition has been filed by the petitioner for allowing the appeal and to set aside the order passed in bail petition in Crl.M.P.No.1170 of 2018 dated 23.07.2018 on the file of the Principal Sessions Judge , Tiruppur, Tiruppur District and release the appellant on bail in SPL.S.C.No.2 of 2018 on the file of the Principal Sessions Judge, Tiruppur, Tiruppur District.

2. The facts of the case is that the appellant is an accused in Cr.No.262 of 2017 who was initially arrested and enlarged on bail. The respondent police has filed a case in SPL.S.C.No.2 of 2018 on the file of the Principal Session Judge, Tiruppur, Tiruppur District. After investigation, the appellant was released on bail as per order in C.M.P.No.728 of

2018 dated 28.04.2018 with a condition to appear before the respondent police daily at 10.00 a.m. And to put his signature until further orders. After, assigning the SPL.S.C.No.2 of 2018, the appellant failed to appear before the trial Court on 04.06.2018 and non bailable warrant was issued against the appellant. After knowing about the warrant, the appellant appeared before the police on 05.06.2018, when he was secured by the police and the respondent police arrested the appellant and remanded him to the judicial custody. After 48 days of the judicial custody, charges have been framed and the case was posted on 03.09.2018 for trial.

3. Thereafter, the appellant has filed a bail application in CrI.M.P.No.1170 of 2018 dated 23.07.2018 on the file of the Principal Session Judge Tiruppur, Tiruppur District. However, the learned Magistrate has dismissed the bail application on the ground that the appellant was already granted bail and failed to comply the condition imposed by the Court on 04.06.2018. Hence, a non bailable warrant has been issued against him, stating if the appellant is released on bail, he may be absconded from the clutches of the law.

4. Considering the fact that the appellant is in judicial custody for a long period of 78 days, I am inclined to grant bail with stringent condition to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Principal Session Judge Tiruppur, Tiruppur District and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the learned Principal Session Judge Tiruppur, Tiruppur District, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

Assistant Registrar (CS II)

//True copy//

Sub Assistant Registrar

dss

To

1. The Inspector of Police,
Dhali Police Station,
Tiruppur District.
2. The Principal Sessions Judge,
Tiruppur, Tiruppur District.
3. The Superintendent of Police,
Tiruppur District.
4. The Director General of Police,
Mylapore, Chennai-4.
5. The Central Prison,
Coimbatore.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Parameswaran, Advocate SR.No.57374

CrI.A.No.475 of 2018

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RSK (CO)

GN (24/08/2018)