

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.9025 of 2021

Soori @ Sooriyamoorthi

... Petitioner

Vs.

State represented by
The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No.1182 of 2020)

... Respondent

PRAYER : Criminal Original Petition has been filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail in Crime No.1182 of 2020 on the file of the respondent police.

For Petitioner : Mr.Anto Prince, for
Mr.M.Rakhi

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.12.2020, for the alleged offence under Sections 120-B, 147, 148, 149, 341 and 302 of IPC r/w Section 3(1) of TNPPDL Act and Section 3 (2)(v) of SC/ST Act, 1989, (POA) Amendment Act, 2015 in Crime No.1182 of 2020 on the file of the respondent police, seeks bail.

2 Case of the prosecution is that due to previous enmity, all the accused persons waylaid the deceased and attacked him with dangerous weapons and committed murder.

3 The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he is in judicial custody for more than 180 days. Further, he would submit that he and the deceased are belongs to same community and hence offence under the SC/ST Act would not come into play. The petitioner is aged about 64 years and due to ailments, he was admitted in the Prison Hospital. Further, most of the co-accused were released on bail. Hence, he prays to grant bail to this petitioner.

4 The learned Government Advocate (Crl.Side) would submit that this petitioner was arrayed as A12 and 21 previous cases are pending against him. The respondent police completed the investigation and filed charge sheet, which was taken on file in Spl.S.C.No.06 of 2021 by the learned Principal District and Sessions Judge, Salem, and posted on 27.07.2021 for appearance of the accused persons. Hence at this stage, bail cannot be granted to the petitioner.

5 Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police.

6 It is seen that the respondent police completed the investigation and filed charge sheet and same was also taken on file in Spl.S.C.No.06 of 2021 by the learned Principal District and Sessions Judge, Salem, and pending for trial. The petitioner, who was aged about 64 years is in jail for more than 180 days and facing ailments, due to his age.

7 Considering the period of imprisonment served by the petitioner and also the fact that most of the co-accused were released on bail, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner shall be released on bail on his executing 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 Judicial Magistrate No.II, Salem, and on further conditions that:

[a] the petitioner shall report before the trial Court daily at 10.30.a.m until further orders.

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

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
23/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT AND
SESSIONS JUDGE, SALEM.

2 THE JUDICIAL MAGISTRATE NO.II,
SALEM.

3 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
KITCHIPALAYAM POLICE STATION,
SALEM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.G.ANTO PRINCE Advocate on payment of necessary charges SR.NO.6717

CRL OP.9025/2021

Date :23/06/2021

TA-23/06/2021

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