



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.10.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRL.A.No.468 of 2021

Samidass @ Samydass
S/o, Ashervatham

... Appellant/Accused No.14

Versus

1. The Deputy Superintendent of Police,
O/o The Deputy Superintendent of Police,
Salem District. ... 1st Respondent/Complainant
2. State rep by
The Inspector of Police,
Kitchipalayam Police Station,
Salem District. ... 2nd Respondent/Complainant
3. C.Jansirani,
W/o, Chelladurai
... 3rd Respondent/Defecto Complainant

PRAYER: Criminal Appeal filed under Section 14 A(2) of SC/ST (POA) Amended Act 2015, to allow this Appeal by enlarging the appellant on bail in Spl.S.C.No.6 of 2021 on the file of the Principal District and Sessions Judge, Salem.

For Appellant : Mr.G.Anto Prince
For R1 & R2 : Mr.S.Sugendran
Government Advocate, (Criminal Side)

JUDGMENT

This Criminal Appeal has been filed to enlarge the appellant on bail in Spl.S.C.No.6 of 2021 on the file of the Principal District and Sessions Judge, Salem.

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

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case, and he has not involved in the alleged offence. Further, he is in judicial custody for more than 200 days. Hence, he prays to grant bail to the petitioner.



4. The learned Government Advocate (Criminal Side) would submit that all the accused were secured and this petitioner is arrayed as A14. The respondent police completed the investigation and filed the charge sheet, which was taken on file in Spl.S.C.No.6 of 2021 by the learned Principal and District and Sessions Judge, Salem and the case is at the stage of framing charges. Hence, at this stage, bail cannot be granted to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the official respondents.

6. It is seen that the respondent police completed the investigation and filed the charge sheet and the same was also taken on file in Spl.S.C.No.06 of 2021 by the learned Principal District and Sessions Judge, Salem and the case is at the stage of framing charges.

7. Considering the period of judicial custody of the petitioner and also the fact that the case is at the stage of framing of charges, this Court is inclined to grant bail to the petitioner. Accordingly the petitioner shall be released on bail on executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties each for a like sum to the satisfaction of the Principal District and Sessions Judge, Salem and on further condition that

(a) the petitioner shall report before the trial court daily at 10.30 a.m until framing of charges and after framing charges, if necessary, the trial court can modify the condition provided, the petitioner complies with the conditions of this Court.

(b) the petitioner shall not tamper the evidence or witness during trial.

8. With the abovesaid directions, the Criminal Appeal is disposed of.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mfa

To

1. The Principal District and Sessions Judge, Salem.

2. The Judicial Magistrate II, Salem.



3. -do- through Chief Judicial Magistrate, Salem.

4. The Deputy Superintendent of Police,
O/o The Deputy Superintendent of Police,
Salem District.

5. The Inspector of Police,
Kitchipalayam Police Station,
Salem District.

6. The Superintendent,
Central Prison,
Salem District.

7. The Public Prosecutor,
High Court,
Madras.

Copy to

The Section Officer,
Criminal Section,
High Court, Madras.

+1CC to Mr.G.Anto Prince, SR. No.54150

CRL.A.No.468 of 2021

PVS (CO)

B.VC (22/10/2021)