



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.1125 of 2022

Madhu

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Yethapur Police Station,
Salem District.
(Cr.No.21/2004)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.21 of 2004 on the file of the respondent and pending trial in S.C.No.177 of 2015 on the file of the III Additional District Judge, Salem.

For Petitioner : Mr.C.Kulanthaivel

For Respondent : Mr.S.Balaji
Government Advocate (Crl side)

ORDER

The petitioner, who was arrested on 08.07.2021 and remanded to judicial custody for the offence under Sections 364, 147, 148, 324, 302 r/w 149 and 201 IPC in Cr.No.21 of 2004, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused persons are friends and due to some money disputes between them, there was wordy quarrel on 13.01.2004, which ended in attack with the deceased one Viswanathan and he was died due to attack by the accused persons. Hence the complaint was made in Cr.NO.21 of 2004.

3. The learned counsel for the petitioner submitted that the above case has been made over for trial in S.C.No.177 of 2015 and the same is pending for framing of charges against the accused on the file of III Additional District Judge, Salem, where an NBW has been issued against the petitioner for his non appearance, on 19.11.2020. Thereafter, the petitioner has been arrested in connection with another case in Cr.No.368 of 2021 for the offences under Sections 201, 306, and 176 IPC on the file of Vazhappadi Police Station on



08.07.2021 and when he was in custody in the said Cr.No.368/2021, he was remanded to judicial custody on production of P.T.warrant on 19.08.2021 in the present case and he is in continuous custody to till date for more than six months and further the petitioner was also granted bail by this Court for Cr.NO.368/2021 on 08.09.2021 in CrI.O.P.No.14606 of 2021 and hence prays for grant of bail.

4. The learned counsel appearing for the petitioner further submitted that the petitioner is ready to face the trial and ready to cooperate with the investigation in the subsequent crime number.

5. The learned Government Advocate (CrI.Side) submitted that he has no objection for grant of bail if he is ready to regularly appear before the respondent Police to cooperate with the investigation.

6. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and further considering the undertaking given by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Prison, Salem, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned III Additional District Judge, Salem;.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;

(e) the petitioner shall report before the III Additional District Judge, Salem, on every Monday and Friday at 10.30 a.m. until further orders;



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

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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;

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

-sd/-

20/01/2022

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 III ADDITIONAL DISTRICT JUDGE,
SALEM

2 INSPECTOR OF POLICE,
YETHAPUR POLICE STATION,
SALEM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to C.KULANTHAIVEL Advocate on payment of necessary charges
Sr.962

CRL OP.1125/2022

Date :20/01/2022

RVR 21/01/2022