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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.A.No.79 of 2022

Elangovan

...Appellant/Sole Accused

Vs.

1. State represented by

The Deputy Superintendent of Police,
Attur Town Police Station,
(Crime No.533 of 2021),
Salem District.

2. The Inspector of Police,
Attur Town Police Station,
(Crime No.533 of 2021),
Salem District.

...Respondents/Complainants

3.Venkatesan

...Respondent/Defacto Complainant

Criminal Appeal filed under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act read with 439 of the Code of Criminal Procedure, praying to set aside the order passed by the learned Principal Sessions Judge, Salem in Crl.M.P.No.4903 of 2021 dated 15.12.2021 and enlarge the appellant on bail in Crime No.533 of 2021 on the file of the 1st respondent.

For Appellant : Mr.John Satyan
for Mr.Vikram Veerasamy.B

For RR1 & 2 : Mr.L.A.J.Selvam
Government Advocate (Crl. Side)

For R3 : No appearance

JUDGMENT

The appellant herein is arrayed as the sole accused in Crime No.533 of 2021 on the file of the respondent Police for the offences under Section 302 IPC altered to 302, 404 IPC and Sec.3 (2)(v) of SC/ST Act. He has been arrested and is in judicial custody. The appellant has moved the learned Principle Sessions Judge, Salem seeking bail and the learned Judge has dismissed the same.



3. The learned counsel for the appellant submitted that as per the prosecution case a certain Raja along with the victim of the offence, Silambarasi has checked in a certain hotel at around 09.00 p.m. on 17.11.2021, that Raja later in the night left the room. On the following morning, when the door of the room was not opened, the Manager of the hotel had to break open the door and found Silambarasi strangled to death. The further case of the prosecution is that it is the petitioner who has impersonated himself as Raja and has booked the room in a false name, strangled Silambarasi and escaped.

5.The learned Government Advocate(Crl.Side) submitted that the investigation is substantially complete and the charge sheet would be filed shortly.

- (i) the appellant shall be released on bail on he executing a bond for a sum of Rs.10,000/- with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate I, Attur/Principal Sessions Judge, Salem;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate I, Attur/Principal Sessions Judge, Salem, may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;
- (iii) the appellant shall stay in Trichy and report before the Judicial Magistrate - II, Trichy, daily at 10.00 a.m. until further orders;



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(iv) on breach of any of the aforesaid conditions, the learned Sessions Judge is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Sessions Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]; and

(v) if the appellant thereafter absconds, a fresh FIR can be registered under Section 229A IPC;

7.The Criminal Appeal is accordingly allowed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Tsg

To

1. The Judicial Magistrate I,
Attur/Principal Sessions Judge,
Salem.
2. The Judicial Magistrate-II,
Trichy.
3. The Superintendent of Prison,
Central Prison,Salem.
4. The Deputy Superintendent of Police,
Attur Town Police Station,
Salem District.
5. The Inspector of Police,
Attur Town Police Station,
Salem District.
6. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

+2cc to M/s.Vikram Veerasamy, Advocate, S.R.No.10077
CrI.A.No.79 of 2022

JP-II(CO)
RGA(17/02/2022)