



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

Crl.A.No.143 of 2022

Pandiyaraj

...Appellant

Vs.

1. State Represented by
The Inspector of Police,
Kitchipalayam Police Station,
Salem - 636 015.
(Crime No.1182 of 2020)
2. State, Represented by
Deputy Superintendent of police,
Kitchipalayam Police Station,
Salem - 636 015.

...Respondents/Complainants

3.Mrs.Jansirani

...Respondent/Defacto
Complainant

Criminal Appeal filed under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, praying to set aside the order dated 02-02-2022 passed in Crl.M.P.No.480 of 2022 by the learned Principal Sessions Judge, Salem and enlarge the Appellant on bail in Crime No.1182 of 2020, on the file of the 1st Respondent police.

For Appellant : Mr.M.Mohamed Yasin
For RR1 & 2 : Mr.L.A.J.Leonard Arul Joseph
Government Advocate (Crl. Side)

JUDGMENT

The appellant herein is arrayed as A21 in Crime No.1182 of 2020 on the file of the respondent police and has been accused of committing an offence along with others under Sections 147, 148, 341, 302 and 427 of IPC r/w Section 3 of the Tamil Nadu Public Property(Prevention of Damage & Loss) Act, 1992. He has surrendered before the Judicial Magistrate, Karur on 23.12.2020 and ever since, he is in judicial custody. The investigation is complete and the final report has been laid and the matter is now pending in Special SC.No.6 of 2021.



2.The Appellant moved for bail before the learned Principal Sessions Judge, Salem in Crl.M.P.No.480 of 2022. The learned Sessions Judge, Vide his order dated 02.02.2022 has dismissed the petition. Challenging the same, the Appellant is before this Court.

3.The learned counsel for the appellant submitted the Appellant has been falsely implicated in the case, that he has not even been named in the FIR and that he has already been in judicial custody for more than 400 days.

4.The learned Government Advocate(Crl.Side) submitted that there has been enmity between two groups and it has resulted in the commission of the offence.

5.Taking into consideration the duration of incarceration suffered by the appellant and the line of the prosecution case and also the stage of investigation, this Court finds it appropriate to grant bail to the appellant on the following conditions;

- (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 learned Principal Sessions Judge, Salem;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 Nagapattinam and) report before the Judicial Magistrate - I , Nagapattinam, daily at 10.00 a.m. until further orders;
- (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;



6. In the result, the order passed by the learned Principal Sessions Judge, Salem in CrI.M.P.No.480 of 2022 on 02.02.2022 is set aside and the Criminal Appeal is accordingly allowed.

WEB COPY

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Tsg

To

1. The Principal Sessions Judge,
Salem.
2. The Superintendent of Prison,
Central Prison,
Salem.
3. The Inspector of Police,
Kitchipalayam Police Station,
Salem - 636 015.
4. The Deputy Superintendent of police,
Kitchipalayam Police Station,
Salem - 636 015.
5. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.
6. The Judicial Magistrate, Karur.
7. The Judicial Magistrate, Nagapattinam.
8. The Chief Judicial Magistrate, Salem.

+2cc to Mr.M.Mohamed Yasin, Advocate, SR.No.10867

CrI.A.No.143 of 2022

KV(CO)
KKV/18/02/2022