

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.A.No.474 of 2022

Settan @ Sudharsan

... Appellant

Versus

1. The Superintendent of Police,
The District Superintendent of Police Office,
Salem - 636 010.
2. The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
Crime No.1182 of 2020

3. Jansirani

... Respondents

Prayer : Criminal Appeal filed u/s. 378 of Criminal Procedure Code to set aside the order dated 20.04.2022 passed in Crl.M.P.No.1490 of 2022 by the Principal Sessions Judge at Salem and enlarge the appellant on bail in Crime No.1182 of 2020 on the file of the respondent Police.

For Appellant : Mr.R.Suryaprakash

For R1 &R2 : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

For R3 : No appearance

JUDGMENT

This appeal is filed as against the order made in Crl.M.P.No.1490 of 2022 by the learned Principal Sessions Judge at Salem, dated 20.04.2022, whereby, the application for bail filed by the petitioner was dismissed.

2. The gist of the allegation as per the case of the prosecution is that, on the ground of previous enmity between

two groups, the victim was attacked and was murdered on 22.12.2020. The petitioner is arrayed as A-32 and he was arrested and remanded to Judicial Custody on 06.10.2021.

3. The learned Government Advocate (Crl. Side) would also submit that, there is one previous case pending as against the petitioner.

4. Considering that the notice to the victim is also served and none appeared on behalf of the victim and also considering the nature of the allegation and the fact that the petitioner is under incarceration from 06.10.2021 and also the fact that investigation is completed and the case has been taken on file in S.C.No.6 of 2021, I am of the view that this is a fit case for granting bail to the petitioner with the following conditions;

(a) the petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioner and 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;

(c) the petitioner shall report before the second respondent Police daily at 10.30 a.m., until further orders;

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

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

(f) 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 has been imposed and the petitioner are 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;

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

4. Accordingly, this Criminal Appeal is allowed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Sessions Judge,
Salem.
2. The Superintendent of Police,
The District Superintendent of Police Office,
Salem - 636 010.
3. The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
4. The Superintendent,
Central Prison,
Salem.
5. The Public Prosecutor,
Madras High Court.

Crl.A.No.474 of 2022

GPL(CO)
UMA(16/06/2022)