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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.A.No.475 of 2022

Kumar @ Santhana Kumar
S/o.Srinivasan ... Appellant/ Petitioner

Versus

1.State Rep. by,
The Inspector of Police,
Panamarathupatty Police Station,
Panamarathupatty,
Salem District. ..1st Respondent/ Respondent

2.Sanjiv Gandhi ...2nd Respondent/Defacto Complainant

Prayer : Criminal Appeal filed u/s.14A(2) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Amended Act 2015, praying to set aside the dismissal order passed by the learned Principal Sessions Judge, Salem in C.M.P.No.1539 of 2022 in Crime No.50 of 2022 dated 23.04.2022 and allow the above appeal and enlarge the appellant on bail.

For Appellant : Mr.C.Samivel

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

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JUDGMENT

This Appeal arises out of the rejection of the bail application of the petitioner, who is in judicial custody since 12.04.2022.

2. The major offence is under Section 307 of IPC and the de-facto complainant/victim has been discharged from the hospital.

3. The Learned Counsel appearing on behalf of the de-facto complainant/victim/second respondent would submit that, as a matter of fact, he has got no objection for releasing the petitioner on bail.

4. Considering the over all facts and circumstances of the case, this Court is inclined to grant bail to the petitioner on the following conditions :

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(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 first respondent/ Police as and when required for interrogation;

(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 is 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;

5. 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. Do through the Chief Judicial Magistrate, Salem.

3.The Inspector of Police,
Panamarathupatty Police Station,
Panamarathupatty,Salem District.

4.The Superintendent of Central Prison,Salem.

5.The Public Prosecutor,Madras High Court,Madras.

+1 cc to Mr.C.Samivel, Advocate Sr.NO. 32291

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mg (CO)

A.SK(10/06/2022)