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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.A.No.493 of 2022

1.M.Sirajtheen
2. H.Ajithkrishnan ... Appellants/Accused 6&7

Versus

1. The State Rep by,
The Assistant Commissioner of Police,
Nallur Police Station,
Tiruppur District.
2. The State Rep by,
The Inspector of Police,
Nallur Police Station,
Tiruppur District.
Crime No.116 of 2022 ... 1&2 Respondents/Respondents
3. Anburaj ... 3rd Respondent/Defacto Complainant

Prayer : Criminal Appeal filed u/s.14A of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amended Act 2018, praying to set aside the order passed by the Principal Sessions Judge, Tiruppur in Cr.M.P.No.800 of 2022 dated 27.04.2022 dismissing the bail petitioner and release the appellant on bail in Crime No.116 of 2022.

For Appellant : Mr.Deepanuday

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 Cr.M.P.No.800 of 2022 by the Principal Sessions Judge, Tiruppur, dated 27.04.2022, thereby bail was denied to the petitioners.



2. The gist of the allegation as per the case of the prosecution is that, on the ground of previous enmity, the victim was murdered and even his head was severed and thrown away in a different place. The present petitioners are Accused No.7&8. The overt act attributed against them is that, they supplied weapons to the first accused to carry out the attack.

3. Considering the fact that investigation is completed and similarly situated co-accused were granted bail by this Court and the fact that the appellants are under Judicial custody from 16.03.2022, I am of the view that, this is the fit case for granting bail on the following conditions;

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

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

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

(e) the petitioners 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 petitioners in accordance with law as if the conditions has been imposed and the petitioners 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.

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Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

sma

To

1. The Principal Sessions Judge,
Tiruppur.
2. The Assistant Commissioner of Police,
Nallur Police Station,
Tiruppur District.
3. The Inspector of Police,
Nallur Police Station,
Tiruppur District.
4. The Superintendent,
Central Prison,
Coimbatore.
5. The Public Prosecutor,
Madras High Court.

Crl.A.No.493 of 2022

AK-II(CO)
UMA(16/06/2022)