



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.11789 of 2022

Ananthan

.. Petitioner/A6

Vs.

The State rep by
Inspector of Police,
Attayampatti Police Station,
Salem District

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in SC.No.302 of 2015 on the file of the learned Additional District Sessions Judge No.III, Salem in respect of crime No.317 of 2014 on the file of the respondent police pending investigation on the file of the respondent police.

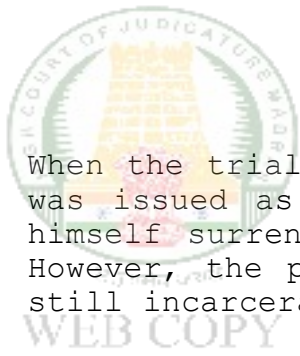
For Petitioner : Mr.Conscioius Ilango

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.04.2021 in SC.No.302 of 2015 on the file of the learned Additional District Sessions Judge No.III, Salem for the offence punishable under Section 120B, 147, 148, 341, 302 r/w 149 of IPC in respect of crime No.317 of 2014 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons murdered the deceased. In the said occurrence, the petitioner was arrested and remanded to judicial custody. The crime is of the year 2014 and subsequently he was released on bail. After completion of investigation, the respondent filed final report and the same has been taken cognizance in SC.No.302 of 2015 on the file of the learned Additional District Sessions Judge No.III, Salem.



When the trial is pending, the petitioner was absent and as such NBW was issued as against the petitioner on 16.02.2021. Thereafter, he himself surrendered and filed petition to recall NBW on 09.04.2021. However, the petition for recalling the NBW was dismissed and he is still incarcerating imprisonment.

3. The learned counsel appearing for the petitioner would submit that there are totally six accused, in which the petitioner is arrayed as A6. Even according to the case of the prosecution, the petitioner had no specific overt act for the alleged occurrence committed by the other accused persons. He is the only bread winner of his family and taking care of his old mother. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that if the petitioner is let out on bail, he will again abscond and the entire trial will be stalled since the crime is of the year 2014 and Sessions Case is of the year 2015 and it is pending for the past seven years. He would further submit that there are totally 45 witnesses and trial is yet to be commenced.

5. It is seen that the petitioner has to take care of his old mother's treatment and in fact, the petitioner himself voluntarily surrendered before the trial court and filed recall petition to recall NBW on 09.04.2021. Considering the said facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Additional District Sessions Judge No.III, Salem and on further conditions that:

[a] 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.

[b] the petitioner shall report before the trial court viz., Additional District Sessions Court No.III, Salem daily at 10.30 a.m. and 05.30 p.m. until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.



[e] 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 have been imposed and the petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
13/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL DISTRICT
SESSIONS JUDGE, NO.III, SALEM.

2 THE INSPECTOR OF POLICE,
ATTAYAMPATTI POLICE STATION,
SALEM.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.CONSCIOIUS ILANGO Advocate on payment of necessary charges SR.NO.8963

CRL OP.11789/2022

Date :13/06/2022

JPA 13/06/2022