



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.07.2022

CORAM:

THE HON'BLE **Dr. JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.14905 of 2022

Anburaj

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Attur Police Station,
Attur.
(Cr.No.394 of 2018)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in S.C.No.125 of 2019 on the file of III Additional District and Sessions Judge, Salem.

For Petitioner : Mr.M.G.Udayashankar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)



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ORDER

The bail granted to this petitioner came to be cancelled by the trial Court being satisfied that he has threatened the *defacto* complainant, who was examined as PW.8, before coming to the Court for deposition and the petitioner has been confined in the prison.

2. Pending trial, the petitioner who was facing the charge for the offences under Sections 201 and 302 of I.P.C., came to this Court seeking bail in CrI.O.P.No.9798 of 2022. This Court on considering the reasons for cancelling the bail by the trial Court, dismissed the bail petition with a direction that the trial has to be completed within a period of 45 days from the date of that order and if the trial is delayed beyond 45 days and the reason for the delay is not attributable to this petitioner, he may approach this Court for bail again.

3. In the said circumstances, the petitioner has filed this Criminal Original Petition stating that the trial is not yet completed and he will henceforth not indulge to tamper the witnesses and he is ready to co-



operate with the trial. The delay in completing the trial within a period of 45 days is not attributed due to his conduct, this Court called for report from the III Additional District and Sessions Judge, Salem, where the trial is pending.

4. The report indicates that so far 11 witnesses were examined and summons to further witnesses issued for the appearance on 27.07.2022. The delay in not completing the trial is not due to the conduct of the petitioner. The prosecution so far examined crucial witnesses and on perusing the list of witnesses, this Court finds that except witnesses to the confession statement, seizure and official witnesses, others have already been examined including the *defacto* complainant.

5. In the light of the above fact, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned **III Additional District and Sessions Judge, Salem;**



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(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner is directed to appear before the trial Court on all working days and on the date of 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 Judicial 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.

21.07.2022

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To
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- 1.The III Additional District and Sessions Judge, Salem.
- 2.The Inspector of Police,
Attur Police Station,
Attur, Salem.
- 3.The Superintendent of Prison,
Central Prison, Salem.
- 4.The Public Prosecutor,
High Court, Madras.



Dr.G.JAYACHANDRAN, J.

rpl

CRL.O.P.No.14905 of 2022

21.07.2022