



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

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

CrI.OP.No.14171 of 2022

Illango @ Siva @ Kuppan @ Kuppusamy

.. Petitioner/A1

Vs.

The State rep. by Inspector of Police,
Tharamangalam Police Station,
Salem District
crime No.237 of 2011

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.273 of 2011 on the file of the respondent police.

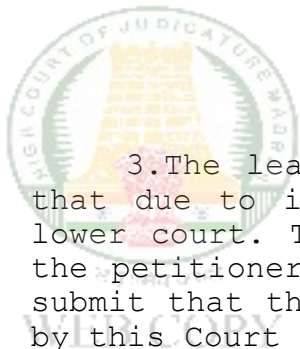
For Petitioner : Mr.D.R.Arun Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.12.2021 on execution of Non-Bailable Warrant issued by the learned Judicial Magistrate, Omalur for the offence under Sections 302 r/w 34 of IPC in PRC.No.9 of 2012 in respect of crime No.273 of 2011 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the petitioner was arrayed as an accused in crime No.273 of 2011 under Sections 302 r/w 34 of IPC and the same was pending before the learned Judicial Magistrate, Omalur for committal. Thereafter, the petitioner did not appear before the lower Court on 10.11.2021. Hence, the lower Court has issued Non-Bailable Warrant against the petitioner on 10.11.2021. Thereafter, the petitioner was arrested and remanded to judicial custody on 27.12.2021.



3.The learned counsel appearing for the petitioner would submit that due to ill health, the petitioner could not appear before the lower court. Therefore, the non-appearance before the lower Court by the petitioner is neither wilful nor wanton. However, he would also submit that the petitioner is ready to abide any condition as imposed by this Court and seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that after the case has been taken on file in SC.No.49 of 2022 on the file of the learned II Additional District and Sessions Judge, Salem on 20.06.2022, the same is in trial stage.

5. The petitioner and others murdered the deceased. The petitioner was arrested and released on bail in crime No.273 of 2011. When the matter was pending for committal in PRC.No.9 of 2012, he failed to appear before the Court on 10.11.2021, as such on NBW, he was arrested and remanded to judicial custody on 27.12.2021. Now the case is pending for trial in SC.No.49 of 2022 on the file of the learned II Additional District and Sessions Judge, Salem.

6.Considering the above facts and circumstances of the case and 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 Vacation Sessions Judge, 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 trial Court viz., learned II Additional District and Sessions Judge, 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/-
20/06/2022

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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 VACATION SESSION JUDGE
SALEM

2 THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE, SALEM

3 THE JUDICIAL MAGISTRATE,
OMALUR

4 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

5 THE INSPECTOR OF POLICE,
THARAMANGALAM POLICE STATION,
CRIME NO.273 OF 2011, SALEM DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.R.ARUN KUMAR Advocate on payment of necessary charges SR.NO.9555

CRL OP.14171/2022

Date :20/06/2022

JPA 21/06/2022