



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

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

Crl.A(MD)No.205 of 2022

Vadivelu

...Appellant

Vs.

1.The Deputy Superintendent of Police,
Karur, Karur District.

2.The Inspector of Police,
Karur Town Police Station
Karur District

3. Periyasamy

...Respondents

Prayer: This Criminal Appeal Petition filed under Section 378(3) Cr.P.C. to set aside the order passed in Cr.M.P.No. 505 of 2022 dated 08.03.2022 by the Principal Sessions Judge cum PCR Court , Karur and pleaded to enlarge the petitioner on bail in connection with the case in Crime No.182 of 2022 pending investigation on the file of the second respondent police herein.

For Petitioner: Mr.N.Bala Subramanian

For R1 and R2 : Mrs.M.Aasha

Government Advocate (Criminal Side)

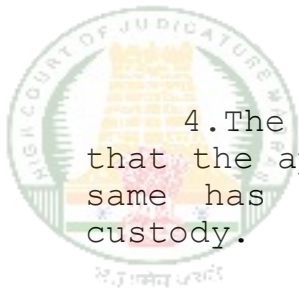
For R3 : Mr.B.Santhanam Rajesh Kumar

J U D G M E N T

Heard Mr.N. Balasubramanian, learned counsel appearing for the appellant and Mrs.M.Aasha, learned Government Advocate (Crl.side) appearing for respondent Police.

2.This Criminal Appeal has been filed to set aside the dismissal order of the bail petition in Crl.M.P.No.505 of 2022 on the file of the learned Principal Sessions Judge cum PCR Court, Karur dated 08.03.2022.

3.The appellant, who was arrested and remanded to judicial custody, for the offences punishable under Sections 294(b), 323, 355 and 506(i) of I.P.C r/w. Sections 3(1)(r), 3(1)(s) and 3(1)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on the file of the respondent police, seeks appeal bail.



4.The learned counsel appearing for the appellant would submit that the appellant has been falsely implicated in this case and the same has not been considered properly and the appellant is in custody.

5.The learned Government Advocate (criminal side), on instructions, would submit that the appellant herein is arrayed as accused No.1. He would further submit that if the appellant is released on bail, he will tamper with the prosecution witnesses and hamper the investigation and therefore, she objected to grant bail to the appellant.

6.Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 08.03.2022 made in Cr.M.P.No.505 of 2022 on the file of the learned Principal Sessions Judge cum PCR Court, Karur.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 08.03.2022 made in Cr.M.P.No.505 of 2022 on the file of the learned Principal Sessions Judge cum PCR Court, Karur, is set aside. The appellant 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 sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge cum PCR Court, Karur and on further condition that:

[a] the appellant shall appear before the second respondent Police daily at 10.30 a.m., and 5.30 pm., until further orders;

[b] the appellant shall not tamper with evidence or witness either during investigation or trial;

[c] the appellant shall not abscond either during investigation or trial;

[d] On breach of any of the aforesaid conditions, the Trial Court is entitled to take appropriate action against the appellant in accordance with law, as if the conditions have been imposed and the appellant released on bail by the Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Sessions Judge cum PCR Court, Karur
- 2.The Deputy Superintendent of Police,
Karur, Karur District.
- 3.The Superintendent, Central prison, Trichy.
- 4.The Inspector of Police,
Karur Town Police Station
Karur District
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-11966[F] dated 14/03/2022)

CrI.A(MD)No.205 of 2022
14.03.2022

sr(CO)

TR(14.03.2022) 3P 7C