



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

Crl.A(MD)No. 231 of 2022

Udhayanithi @ Surya

... Appellant/Petitioner/
Accused No.9

Vs.

1.The State represented by
The Deputy Superintendent of Police,
Karur Rural Sub Division,
Karur District.
(Crime No.778 of 2020)

2.The State represented by
The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
(Crime No.778 of 2020)

3.Ramesh ... Respondents 1 to 3/
Respondents & Complainants/Complainants

PRAYER: The Criminal Appeal is filed under Section 14-A(ii) of SC/ST (POA) Act, 2015, to call for the entire records relating to the order of dated 24.02.2022 passed in Cr.M.P.No.396 of 2022 in S.C.No.48 of 2021 in Crime No.778 of 2020 on the file of the learned Sessions Judge, Karur and set aside the same as arbitrary and consequently, to release the petitioner on bail in connection with the S.C.No.48 of 2021 in Crime No.778 of 2020 on the file of the learned Sessions Judge, Karur.

For Appellant	: Mrs.P.Krishnaveni
For Respondents	: Mr.M.Aasha
	Government Advocate (Criminal Side)

JUDGMENT

The present Criminal Appeal has been filed to call for the entire records relating to the order of dated 24.02.2022 passed in Cr.M.P.No.396 of 2022 in S.C.No.48 of 2021 in Crime No.778 of 2020 on the file of the learned Sessions Judge, Karur and set aside the same as arbitrary and consequently, to release the petitioner on bail in connection with the S.C.No.48 of 2021 in Crime No.778 of



2020 on the file of the learned Sessions Judge, Karur.

2. There are totally 10 accused in which the petitioner is arrayed as A.7. The case of the prosecution is that on 17.12.2020 when the deceased was going in two wheeler, the accused persons attacked him with deadly weapons and due to which he died. The petitioner was secured and remanded to judicial custody. Thereafter, he was granted bail.

3. After completion of the investigation, the second respondent has filed a final report and the same was taken on file in S.C.No.48 of 2021, on the file of the Sessions Judge, Karur. While pending trial, the petitioner was absent before the trial Court and Non-Bailable Warrant was issued against the petitioner.

4. The petitioner involved in another case and he was detained as Goonda in the Trichy Central Prison and the this Court had revoked the detention order in HCP(MD)No.712 of 2021 on 07.02.2022. However, the Court below dismiss the bail petition for the reason that only due to the petitioner's absence before the trial Court, the trial Court could not proceeded with the trial. If the petitioner is released on bail he might abscond again and it is difficult for the prosecution to secure him and proceed with trial of the case.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

6. Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 24.02.2022 made in Cr.M.P.No.396 of 2022 on the file of the learned Sessions Judge, Karur.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 24.02.2022 made in Cr.M.P.No.396 of 2022 on the file of the learned Sessions Judge, Karur, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two blood related sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Karur, and on further condition that:

[a] the appellant shall appear before the Sessions Judge, Karur, daily at 10.30 a.m. and 05.30 p.m, till the disposal of the trial;

[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 appellants 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(P & A)

// True Copy //

29/03/2022

Sub Assistant Registrar(CS)

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To:-

- 1.The Sessions Judge, Karur
- 2.The Deputy Superintendent of Police,
Karur Rural Sub Division,
Karur District.
- 3.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
4. The Officer incharge,
District Prison, Coimbatore.
5. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.P.Krishnaveni, Advocate SR.No. 2576 (I)

Crl.A(MD)No.231 of 2022

28.03.2022

ac(CO)

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