



Crl.A.No.1300 of 2022

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V. SIVAGNANAM,J.

Today, the matter is listed under the caption 'for being mentioned' at the instance of the learned counsel for the appellant, who submitted that this Court, by order dated 09.01.2023, set aside the impugned order dated 16.12.2022 passed by the trial court and granted bail to the appellant on the condition that the appellant should execute his own bond for Rs.10,000/- to the satisfaction of learned Principal Sessions Judge, Tiruppur and the appellant shall affix his photograph and left thumb impression in the bond and the trial court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

2. He further submitted that the appellant is in prison and he may be directed to execute bond to the satisfaction of the Superintendent of Central Prison, Coimbatore, instead of learned Principal Sessions Judge, Tiruppur and prayed for appropriate direction.



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3. Considering the submissions of the learned counsel appearing for the appellant, the sub paras ii) and iii) of paragraph 10 of the order passed in CrI.A.No.1300 of 2022, dated 09.01.2023 is hereby deleted and instead of that, the following passages shall be incorporated as sub paras ii) and iii) in paragraph 10 in the abovesaid order.

ii) the petitioner is ordered to be enlarged on bail on condition that the petitioner shall execute a own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the Superintendent of Central Prison, Coimbatore.

iii) the petitioner shall affix his photograph and left thumb impression in the bond and the Superintendent of Central Prison, Coimbatore may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.'

4. Except the above modifications, all other contents of the said order dated 09.01.2023 shall remain unaltered.

12.01.2023

msr

Note:

The Registry is directed to issue fresh order copy today itself after making necessary corrections as stated above.



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V. SIVAGNANAM,J.

msr

Crl.A.No.1300 of 2022

12.01.2023



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.A.No.1300 of 2022

Suga Prakash @ Mokka Prakash

... Petitioner

Vs.

State by:

1. The Assistant Commissioner of Police,
Nallur Range, Tiruppur City, Tiruppur.
2. The Inspector of Police, Rural Police Station,
Tiruppur District
(Crime No.116 of 2022).
3. Anburaj

... Respondents

PRAYER: Criminal Appeal filed under Section 14-A of S.C. S.T. Act (Prevention of Atrocities Amendment Act), 2015 r/w Section 374(3) of Cr.P.C to set aside the order passed in bail petition in CMP No.2381 of 2022 dated 16.12.2022 on the file of the Principal Sessions Judge,



Tiruppur and enlarge the appellant on bail, pending trial in Spl.S.C.No.13 of 2022 on the file of Principal Sessions Judge, Tiruppur in Crime No.116 of 2022 on the file of the second respondent police.

For Appellant : Mr. W.Camyles Gandhi

For Respondents : Mr.C..E.Pratab, Govt.Counsel (Crl.Side)
for R1 and R2

R3- No appearance

ORDER

This Criminal Appeal has been filed to set aside the order passed in bail petition in CMP No.2381 of 2022 dated 16.12.2022 by the Principal Sessions Judge, Tiruppur and enlarge the appellant on bail, pending trial in Spl.S.C.No.13 of 2022 on the file of Principal Sessions Judge, Tiruppur.

2. The learned counsel for the petitioner submitted that, in pursuant to the complaint given by the complainant, namely Anburaj, the respondent police registered a case against the accused persons, including petitioner (A3), in Crime No.116 of 2022 for offences punishable under Sections 302, 307, 201, 34 IPC and Sections 3(2)(5) of SC & ST Act and Sections 25(1B), 9(b) of Arms Act. He further submitted that the petitioner was



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arrested and remanded to judicial custody on 15.02.2022 and from the date of arrest, he has been in custody. In this case, final report was filed and the same was taken on file as Special S.C.No.13 of 2022 by the Principal Sessions Judge, Tiruppur. The petitioner filed a bail petition in CrI.M.P.No.2381/ 2022 and the same was dismissed by the Trial Court, vide order dated 16.12.2022, which is impugned herein. The learned counsel also submitted that, now, the case is being posted on 23.01.2023 for examination of the prosecution witnesses and further, co-accused were released on bail and that the petitioner is ready to abide by any condition imposed by this Court and hence seeks to grant bail to the petitioner.

3. The learned Government Advocate (CrI.Side) appearing for the respondents 1 and 2 submitted that the petitioner herein is arrayed as A3 in SC No.17/2022 on the file of the Principal Sessions Judge, Tiruppur. He further submitted that since the petitioner is involved in the offence of murder, which is serious in nature, the Trial Court has rightly dismissed the bail petition and hence, he opposed to grant bail to the petitioner.

4. Heard the learned counsel for the petitioner and the learned



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Government Advocate appearing for the respondents 1 and 2. I have perused the materials on record.

5. A perusal of the records shows that the respondent police registered a case in Crime No.116 of 2022 for the offences punishable under Sections 302, 307, 201, 34 IPC and Sections 3(2)(5) of SC & ST Act and Sections 25(1B), 9(b) of Arms Act against the petitioner(A3) and others. According to the respondent police, on 13.02.2022, one Ranjithkumar and Sathishkumar, after consuming liquor, returned to their home, and on the way to their home, the accused persons made quarrel with them and in that incident, Sathishkumar was murdered and Ranjithkumar was injured. Therefore, one Anburaj, cousin of the deceased, gave a complaint and on receipt of the same, the case in Crime No.116/2022 was registered, as stated above. After investigation, the investigating officer filed the final report and the case was taken on file as Spl.S.C.No.13/2022 on the file of the Principal Sessions Court, Tiruppur.

6. It is seen from the records that, already the petitioner filed two bail petitions in CMP No.1312/2022 and CMP No.1973 of 2022 and the same were dismissed by the Trial Court on 05.07.2022 and 18.10.2022



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respectively. Again, the petitioner filed another petition in CMP No.2381 of 2022, which was also dismissed by the Trial Court, vide order dated 16.12.2022 and aggrieved over the same the petitioner is before this Court.

7. It is pertinent to note that after furnishing copies to the accused and framing the charges against the accused persons, the Trial Court posted the case on 23.01.2023 for examination of prosecution witnesses. Further, the petitioner is in custody from 15.02.2022 and the co-accused were granted bail.

8. Therefore, considering the period of incarceration suffered by the petitioner and also taking into account the fact that the case is now pending for examination of the witnesses and the co-accused were granted bail, this Court is inclined to grant bail to the petitioner.

9. At this juncture, the learned counsel for the petitioner submitted that the petitioner's father is no more and his mother is an aged person and he has no relatives to give sureties for him and hence prayed to grant bail on executing a own bond by the petitioner.



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10. Considering the afore said submission made by the learned counsel for the petitioner, this Court is inclined to pass the following order.

i) The impugned order dated 16.12.2022, passed by the Trial Court is set aside.

ii) the petitioner is ordered to be enlarged on bail on condition that the petitioner *shall execute a own bond for a sum of Rs.10,000/- (Rupees ten thousand only) to the satisfaction of the learned Principal Sessions Judge, Tiruppur.*

iii) The petitioner shall affix his photograph and Left Thumb Impression in the bond and the Trial Court may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

iv) The petitioner shall appear before the Trial Court, as and when required.

10. Accordingly, the Criminal Appeal is allowed.

09.01.2023

Note: Issue order on 11.01.2023

Index: Yes/No

Internet: Yes/No

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To:

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1. The Principal Sessions Judge, Tiruppur.
2. The Superintendent, Central Prison, Coimbatore.
3. The Public Prosecutor, Madras High Court, Chennai.



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V.SIVAGNANAM, J.
mst

Crl.A No.1300 of 2022

09.01.2023