



WEB COPY



Crl.O.P.No. 29055 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

Crl.O.P.No.29055 of 2023

Salman

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Moongilthuraipattu Police Station,
Kallakurichi District.

Crime No.253 of 2021

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in S.C.No.74 of 2022
pending on the file of the learned Sessions Judge, Magalir Neethi Mandram,
(Fast Track Mahila Court), Villupuram.

For Petitioner : Mr.S.Saravanakumar

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor.

ORDER

The petitioner who was arrested and remanded to judicial custody



CrI.O.P.No. 29055 of 2023

on 17.01.2022, seeks bail in Crime No.253 of 2021, which was registered by the respondent Police for the offences under Sections 397 and 302 of I.P.C.

2.The case of the prosecution is that the petitioner, who is the grandson of the deceased, brutally assaulted the mother of the defacto-complainant in her left cheek and head and also robbed 5 sovereigns of gold jewels. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has been in judicial custody from 17.01.2022. He also submitted that the investigation has been completed and the charge sheet has also been filed before the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram in S.C.No.74 of 2022. Hence, he seeks for granting bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that the investigation has been completed and the charge sheet has also been filed before the learned Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram in S.C.No.74 of 2022 and the stolen articles have been recovered. She further submitted that there are two



CrI.O.P.No. 29055 of 2023

previous cases against the petitioner. Hence, she opposed for granting of bail to the petitioner.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions made on either side and taking into consideration the period of incarceration undergone by the petitioner and considering that investigation was completed and stolen article was also recovered, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram and on further conditions that:

[b] the petitioner shall report before the Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Villupuram, daily at 10.00 A.M. untill further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.



CrI.O.P.No. 29055 of 2023

WEB COPY

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

28.12.2023

vkx/apd

To

1. The Sessions Judge,
Magalir Neethi Mandram, (Fast Track Mahila Court),
Villupuram
2. The Inspector of Police,
Moongilthuraipattu Police Station,
Kallakurichi District.
3. The Central Prison, Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No. 29055 of 2023

P.DHANABAL, J.

vkx/apd

Crl.O.P.No.29055 of 2023

28.12.2023