



Crl.O.P.No.4805 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2024

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THE HON'BLE MR. JUSTICE **C.V.KARTHIKEYAN**

Crl.O.P.No.4805 of 2024

S.Kanniyappan @ Appu

...Petitioner

Vs.

State represented by
The Inspector of Police,
Chengalpattu Taluk Police Station,
Kanchipuram District
Now Chengalpet District.

...Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in S.C.No.202 of 2022 pending trial before the III Additional District Judge, Chengalpet, in Crime No.13 of 2020 on the file of the respondent Police.

For Petitioner : Mr.E.Jayasankar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)



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ORDER

The petitioner is an accused in S.C.No.202 of 2022 now pending before the III Additional District Judge, Chengalpet, seeks bail.

2.Originally, Crime No.13 of 2020 had been registered by the respondent Police under Sections 302 and 201 IPC.

3.The petitioner is a rag picker and he had been remanded to judicial custody on 16.03.2020. It is alleged that he had pushed down the deceased and the deceased died.

4.A report had been sought for and obtained from the Additional District and Sessions Judge, Chengalpet and the learned Sessions Judge had stated that the matter is posted for framing of charges on 19.04.2024 and it had been stated that there is no previous case against the petitioner. It had also been stated that there is no permanent residence for the petitioner and a Legal Aid Defense Counsel had also been appointed.

5.Taking into consideration all the facts and the long period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:



6. Accordingly, the petitioner, at the time of executing surety, is ordered to be released on his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the III Additional District Judge, Chengalpattu and on further conditions that: -

[a] the petitioner shall report before the III Additional District Judge, Chengalpattu, everyday, till completion of the trial.

[b] the learned Sessions Judge may direct the petitioner to also appear before the respondent Police, on every Monday at 10.30 a.m., to ensure that he is physically present and had not absconded, quite apart from the petitioner appearing before the Court everyday.

[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



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of Kerala [(2005)AIR SCW 5560].

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

7.The learned Additional District and Sessions Judge, Chengalpattu, may endeavour to complete the trial as expeditiously as possible, preferably on or before 30.06.2024.

15.03.2024

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To

1. The III Additional District Judge, Chengalpattu.
2. The Central Prison, Puzhal, Chennai.
- 3.The Inspector of Police,
Chengalpattu Taluk Police Station,
Kanchipuram District
- 4.The Public Prosecutor,
High Court of Madras.



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C.V.KARTHIKEYAN. J.

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