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Crl.A.No.571 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2024

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Crl.A.No.571 of 2024

S.Sureshkumar

... Appellant

Vs.

1.Deputy Superintendent of Police,
Kancheepuram,
Kancheepuram District.

2.State rep. By;
The Inspector of Police,
Walajabad Police Station,
Kancheepuram District,
(Crime No.165/2024)

3.M.Arumugam

... Respondents

PRAYER: Criminal Appeal filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes Amendment Act, 2015, to set aside the order passed by the learned Principal Sessions Judge, Chengalpattu in Crl.M.P.No.1098 of 2024 dated 29.04.2024 and enlarge the appellant on bail concerned in Crime No.165 of 2024 on the file of the 1st respondent Police.

For Appellant : Mr.G.Punniakoti

For R1 & R2 : Mr.S.Vinothkumar,

Government Advocate(Crl. Side)



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JUDGMENT

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The petitioner has filed this Criminal Appeal against the order passed by the Principal Sessions Judge, Changalpattu rejecting the bail application of the petitioner vide order dated 29.04.2024 in Crl.M.P.No.1098 of 2024.

2. The petitioner is the first accused in Crime No.165 of 2024 before the respondent police station. The petitioner along with the second accused were accused of offences under Section 294(b), 323, 324, 506(ii) IPC Sec.3(1)(r), 3(1)(s), 3(2)(V)(a) SC/ST POA Act. The petitioner and the second respondent were arrested on 09.04.2024. The petitioner has been behind the bars for over a period of 45 days since 09.04.2024 for the alleged offence committed by the petitioner. The Principal Sessions Court, Chengalpattu has dismissed the application of the petitioner seeking bail with the below observation;

“On perusal of records, it is seen, Walajabad Police Station comes under the territorial jurisdiction of the Principal District Judge, Kancheepurm District, as the erstwhile Kancheepuram judicial district was bifurcated into Chengalpattu and Kancheepuram judicial districts. Since, separate Kancheepuram judicial district is being functioning from 03.03.2024, this Court seized powers to dealing the cases



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under the SC/ST (PoA) Act. Therefore, in view of the territorial jurisdiction, the Court is not inclined to entertain this petition. Accordingly, this petition is dismissed.”

3.I have considered the submissions of the learned counsel for the petitioner and the learned Government Advocate (Criminal Side).

4.Considering the fact that the petitioner has been behind the bar for more than 45 days now, this Court is inclined to grant bail to the petitioner subject to the petitioner complying with the following conditions.

5. Accordingly, the petitioner 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, Kancheepuram and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before respondent police daily at 10.30 a.m until further orders.

[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.



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[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 of Kerala [(2005)AIR SCW 5560]**.

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

24.05.2024

Speaking/non-speaking

Index : Yes/No

Internet : Yes

Tsg



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C.SARAVANAN, J.

Tsg

To

1. Deputy Superintendent of Police,
Kancheepuram,
Kancheepuram District.

2. State rep. By;
The Inspector of Police,
Walajabad Police Station,
Kancheepuram District,
(Crime No.165/2024)

3. The Principal Sessions Judge,
Chengalpattu.

4. The Superintendent of Prison,
Central Prison, Puzhal.

5. The Public Prosecutor,
Madras High Court.

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