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CRL O.P. No.25606 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.10.2024

CORAM

THE HON'BLE MR.JUSTICE P.DHANABAL

CRL OP.No.25606 of 2024

Sengottaiyan,
S/o.Chinnamuthu

... Petitioner

Vs

State rep. by:-

The Inspector of Police,
Tharamangalam Police Station,
Salem District.
[Cr.No.158 of 2019]

... Respondent

PRAYER: - Criminal Original Petition filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant bail to the petitioner/Accused in Crime No.158 of 2019 on the file of the respondent police.

For Petitioner : Mr.M.Velan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.09.2024 for the offences punishable under section 302 of IPC in S.C.No.98 of 2020 in Crime No.158 of 2019 on the file of the Principal Sessions Judge, Salem, seeks bail.

2. The case of the prosecution is that the petitioner assaulted the defacto-complainant's brother with stone, due to which the defacto-complainant's brother died. Hence, the complaint.

3. The learned counsel for the petitioner would contend that already the trial Court was granted bail to the petitioner, due to his non appearance the trial Court has issued Non Bailable Warrant against the petitioner on 12.09.2024 and the same was executed by the respondent police and the petitioner was arrested and remanded to judicial custody on 27.09.2024. The petitioner is partly unsound mind and he could not concentrate on his hearing dates and also he is not able to inform and contact his counsel, the



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petitioner could not appear before the trial Court only for the said bonafide reasons only. This petitioner has not committed any offence as alleged by the prosecution. This petitioner has been falsely implicated in this case. This petitioner is an innocent person and he has nothing to do with the commission of alleged offences and he is ready to abide by any condition imposed by this Court. Hence, he seeks bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner assaulted the defacto-complainant's brother with stone, due to which the defacto-complainant's brother died. Already, the trial Court was granted bail to the petitioner, due to his non appearance the trial Court has issued Nonailable Warrant against the petitioner on 12.09.2024 and the same was executed by the respondent police and the petitioner was arrested and remanded to judicial custody on 27.09.2024. Hence, he objected to grant bail to the petitioner.

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



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6. Considering the rival submissions on either side and considering the nature of offence, already the trial Court has granted bail to the petitioner, due to his non-appearance, the trial court had issued Non Bailable Warrant against the petitioner and the same was executed by the respondent police, the petitioner is in judicial custody from 27.09.2024 and the sessions case is posted for the examination of defence side evidence, already the main witnesses were examined and also considering the period of incarceration undergone by the petitioner, this Court is 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 **Principal Sessions Judge, Salem** and on further conditions that:

[b] the petitioner shall report before the concerned trial Court on all working days at 10.30a.m until further orders;



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[c] the petitioner shall attend in accordance with the conditions of the bond;

[d] the petitioner shall not commit any offence similar to the offence of which he is accused; or suspected, or of the commission of which he is suspected; and

[e] the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] the petitioner shall not abscond either during investigation or trial;

[g] On breach of any of the aforesaid conditions, the learned Judicial 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].



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[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.

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index: Yes/No
Internet: Yes/No
Speaking/Non Speaking order
gvn

To

1. The Principal Sessions Judge, Salem.
2. The Inspector of Police,
Tharamangalam Police Station,
Salem District.
3. Central Prison, Salem.
4. The Public Prosecutor,
High Court, Madras.

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P.DHANABAL,J

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