

ITEM NO.16 Court 6 (Video Conferencing) SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.)No(s).4202-4203/2020

(Arising out of impugned final judgment and order dated 26-08-2020 in CRLP(MD) No.2362/2020 26-08-2020 in CRLP(MD) No.3818/2020 passed by the High Court Of Judicature At Madras At Madurai)

G. SELVAKUMAR

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU ETC.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.87302/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.87303/2020-EXEMPTION FROM FILING O.T.

Date : 01-10-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. R.Basant, Sr. Adv.
 Mr. A. Karthik, AOR
 Mr. Sarath S. Janardanan, Adv.
 Ms. Anushka Pardikar, Adv.
 Mr. Akshay Sahay, Adv.

For Respondent(s) Mr. M. Yogesh Kanna, AOR
 Mr. Rajarajeswaran, Adv.

 Mr. M. A. Chinnasamy, AOR
 Ms. C. Rubavathi, Adv.
 Mr. P. Rajaram, Adv.
 Mr. V. Senthil Kumar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The petitioner was arrested on 21.12.2019 for offences punishable under Section 406, 420, 294(b), 506(1) and 120B of the Indian Penal Code. The petitioner filed an application for bail which was

dismissed on 22.01.2020. When the second bail application was taken up, the petitioner requested for an interim bail by stating that he will settle the dispute relating to payment of money once he is released. By the impugned order, the High Court dismissed the application filed for bail on the ground that the petitioner did not abide by the undertaking given by him to settle the matter and has submitted that he is in no position to make any payment. The High Court refused to even hear the bail application on merits.

Admittedly, charge-sheet has been filed. The dispute pertains to payment of money by the petitioner to the complainant. We have been taken through the order dated 18.02.2020 which recorded the submission made on behalf of the petitioner that the petitioner would present a definite picture if he is released on bail. In any event, the High Court ought to have heard the bail application on merits and ought not to have dismissed the same on the ground that the petitioner has gone back of the promise made to the High Court on 18.02.2020.

Taking note of the facts and circumstances of this case, we do not intend to send back the matter to the High Court for fresh consideration.

The petitioner is directed to be released on bail subject to the satisfaction of trial Court.

The special leave petitions are, accordingly, disposed of. Pending application(s), if any, stand disposed of accordingly.

(Gulshan Kumar Arora)
AR-cum-PS

(Anand Prakash)
Court Master