

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 07.08.2017****CORAM:****THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED****Cr1.A(MD)No.300 of 2017**

Ayyanar : Petitioner/Accused No.8
Vs.

The State by

1. The Deputy Superintendent of Police,
Oomachikulam Range,
Silaiman Police Station.
2. The Inspector of Police,
Silaiman Police Station,
Madurai District.
(In Crime No.201 of 2017)

3. Parameswari : Respondents/Complainant

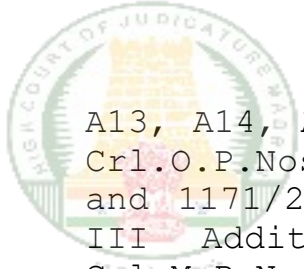
PRAYER: Criminal Appeal is filed under Section 14A(2) of SC / ST (POA) Act 2015, to enlarge the petitioner/accused in connection with the case in Crime No.201 of 2017 on the file of the respondent police.

For appellant : Mr.R.Balamuruganantham
For R1 and R2 : Mr. A. Ramar
Additional Public Prosecutor.

JUDGMENT

The appellant filed this appeal to enlarge him in connection with the case in Crime No.201 of 2017 on the file of the respondent police.

2.The learned counsel appearing for the appellant states that the appellant met with an accident on 09.09.2016 and due to that he fractured himself and at the time of accident, his right leg, right thigh and right side shoulder are fractured and took treatment in a private hospital and on the same day, he was discharged from the hospital. He further submitted that due to that accident, the appellant cannot walk freely as of the others and he walked only with the help of others or stick and the appellant is not physically fit to sit and walk etc., and he was bed-ridden for more than 8 months. He further submitted that A4,



A13, A14, A2 and A3 were already released on bail by this Court in CrI.O.P.Nos.6391/17 on 24.05.2017, 6328 of 2017 dated 23.05.2017 and 1171/2017 on 07.06.2017 and A15 was released on bail by the III Additional District Judge (PCR), Madurai and as per CrI.M.P.No.1086 of 2017, A2 and A3 were released on bail by the Session Court and as per CrI.M.P.Nos.1442 and 1443 of 2017 dated 10.07.2017, the co-accused were released on bail. He further submitted that the appellant is innocent and he has not committed any offence as alleged in the FIR.

3.The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 21 accused in this case. He further submitted that 10 named accused and 8 accused were implicated on the basis of confession of A1 and during investigation, three more accused were added in this case and 7 accused are still absconding and 5 accused were arrested in this case and the wife of the deceased is a complainant in this case. He further submitted that the appellant herein was implicated as per the confession of A1 and the confession of the appellant was also recorded and one aruval was also recovered from him. He further submitted that there was a previous motive between A1's brother and the deceased in which, A1's brother was murdered. Due to which, all the accused entered into conspiracy and murdered the deceased. The specific overt act against the petitioner herein is that the appellant said to have attacked with aruval on the left shoulder of the deceased and the appellant is having one previous case in Crime No.337 of 2012 for offences under Section 302 I.P.C., and the same is pending in S.C.No.130 of 2016 in which, he is arrayed as A4. He further submitted that A1 was arrested and released on bail by the III Additional District Judge(PCR), Madurai in CrI.M.P.No1553 of 2017 dated 27.07.2017 and the investigation is still pending.

4. Considering the above facts and circumstances of the case and also considering the fact that the appellant was implicated as per the confession of A1 and A1 was also released on bail by the trial Court and the period of incarceration of the appellant in jail, this Court is inclined to allow the appeal and grant bail to the appellant.

5. Accordingly the Criminal appeal is allowed and the appellant is ordered to be enlarged on bail subject to the following conditions:-

- (i) The appellant shall 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 Judicial Magistrate No.II, Madurai, Madurai District.



(i) the appellant shall appear before the respondent Police daily at 10.30 am until further orders.

Sd/-

Assistant Registrar

WEB COPY

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.2,
Madurai.
2. The chief Judicial Magistrate,
Madurai.
3. The III Additional District Judge (PCR),
Madurai.
4. The Deputy Superintendent of Police,
Oomachikulam Range,
Silaiman Police Station, Madurai District.
5. The Inspector of Police,
Silaiman Police Station,
Madurai District.
6. The Superintendent, Central Prison,
Madurai.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Balamuruganantham, Advocate SR.No.28197

NS

VB/SV/AA/SAR4/08/08/2017/3P/9C

**Order made in
Crl.A(MD)No.300 of 2017
07.08.2017**