



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.304 of 2017

Ramar

: Appellant

Vs.

The State rep by
The Inspector of Police
Palayamkottai Police Station,
(Cr.No.374 of 2017)

: Respondent

PRAYER: Criminal Appeal is filed under Section 14A(2) of SC / ST (POA) Amended Act 2015, to set aside the order made in Cr1.M.P.No.1775 of 2017 on the file of the II Additional Sessions Judge, Tirunelveli and allow this appeal and enlarge the petitioner's son bail in Crime No.374 of 2017 on the file of the respondent.

For appellant : Mr.V.Angusamy

For respondent : Mr. A. Ramar

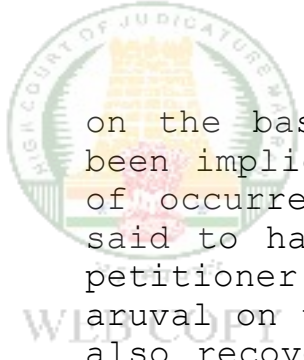
Additional Public Prosecutor.

JUDGMENT

This Criminal Appeal is filed against the order dated 17.07.2017, passed in Cr1.M.P.No.1775 of 2017 by the learned II Additional Sessions Judge, Tirunelveli, dismissed the bail application of the appellant and to set aside the same.

2.The learned counsel appearing for the appellant states that the appellant was being implicated for the sole reason that he is the friend of the other accused and there is no overt act as against the appellant herein. He further submitted that as per FIR, the appellant was said to have had conspired with the other accused to commit murder of the deceased, but the name of the appellant was not specified in the FIR. Even as per the confession statement of the co-accused, the appellant was not present in the scene of occurrence. He further submitted that the appellant had voluntarily surrendered himself before the learned Judicial Magistrate No.I, Tirunelveli, on 24.05.2017.

3. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 10 named accused and 2 un-named accused in this case and



on the basis of the confession of A1, the appellant herein has been implicated in this case and he was having aruval at the time of occurrence, but it is not stated that the petitioner herein said to have attacked the deceased with aruval, as stated by the petitioner in his confession statement that he has attacked with aruval on the back-side of the neck of the deceased and aruval was also recovered from the place of occurrence. He further submitted that except A12, all the accused were arrested in this case 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 on the basis of the confession of co-accused and the overt act attributed to the petitioner as per his confession was not stated in the confession of co-accused A1 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 the order dated 17.07.2017 made in CrI.M.P.No.1775 of 2017 on the file of the learned II Additional Sessions Judge, Tirunelveli, is set aside 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 II Additional Sessions Judge, Tirunelveli,

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

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I,
Tirunelveli.
2. The chief Judicial Magistrate,
Tirunelveli.
3. The III Additional Sessions Judge(PCR),
Tirunelveli.



4. The Inspector of Police
Palayamkottai Police Station,
Tirunelveli District.

5. The Superintendent, Central Prison,
Palayamkottai.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.V.Angusamy, Advocate SR.No.28298

NS

VB/SV/AA/SAR4/08/08/2017/3P/8C

**Order made in
Crl.A(MD)No.304 of 2017
07.08.2017**