



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Crl.A.(MD)No.319 of 2017

WEB COPY

Soundarapandiyan

... Appellant

Vs.

The State Rep.by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.

... Respondent

PRAYER: The Criminal Appeal is filed under Section 14 A(2) of SC / ST (POA) Act, 1989 as amended by Act 1 of 2016 praying to call for the records relating to the order dated 18.07.2017 in Cr.M.P.No.1664 of 2017 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, Sivagangai and to set aside the same and release the appellant on bail in connection with Crime No.5 of 2017 on the file of the respondent Police by allowing this Criminal Appeal.

For Appellant : Mr.V.Sasikumar
For Respondent : Mr.A.Ramar, APP

JUDGMENT

The appellant / A7, who was arrested on 21.06.2017 for the offences punishable under Sections 147, 148, 341, 294(b), 302 IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, r/w Section 3(1)(r)(s) & 3(2)(va) of SC / ST (POA) Act in Crime No.5 of 2017 on the file of the respondent police, seeks bail.

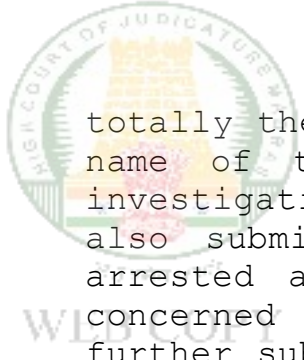
2.The appellant has filed a petition in Crl.M.P.No.1664 of 2017 before the court below and the same was dismissed on 18.07.2017. As against the same, the appellant filed the present Criminal Appeal for the above said relief.

3.The case of the prosecution is that due to a dispute arose between A1 and the deceased in local body election, all the accused attacked the deceased with deadly weapon and thereby murdered him.

4.The learned counsel for the appellant submitted that the appellant is an innocent person and he has been falsely implicated in this case and co accused were enlarged on statutory bail.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The learned Additional Public Prosecutor submitted that



totally there are 11 unnamed and 3 named accused and initially, the name of the appellant was not found in the FIR and during investigation, the appellant is arrayed as A7 in this case. He also submitted that A3, A4, A5, A7, A8, A11, A12 & A13 were arrested and A1, A2, A6, A9 & A10 have surrendered before the concerned Court and they were remanded to judicial custody. He further submitted that A14 is still absconding and all the accused were enlarged on default bail and investigation is completed and charge sheet has also been filed before the concerned Court, however, the same has not been taken on file.

6. Considering the facts and circumstances of the case and considering the fact that investigation is completed and charge sheet has been filed and the period of incarceration of the appellant in jail and also co accused were enlarged on statutory bail, this Court is inclined to grant bail to the appellant. Accordingly, *the appellant is ordered to be released 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 Judicial Magistrate No.I, Sivagangai;

(ii) the appellant is directed to appear before the Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, Sivagangai daily at 10.30 a.m. until further orders;

(iii) the appellant shall not tamper with the evidence or witness either during investigation or trial;

(iv) the appellant shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the 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]**.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1) The Sessions Judge,

<https://hcservices.ecourts.gov.in/hcservices/> Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Sivagangai.



2) DO-Through-The Chief Judicial Magistrate, Sivagangai District.

3) The Judicial Magistrate No.I
Sivagangai.

4) The Superintendent of Prison, Central Prison,
Madurai.

5) The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.

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

+1cc to Mr.A.Mohan, Advocate, SR.73261

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NBJ

KK/SV MMS/SAR3-22.08.2017-3P-8C