



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

CrI.A.(MD)No.328 of 2017

WEB COPY

1.Vairamuthu
2.Ravi @ Ravichandran
3.Satheesh
4.Kannan @ Murugaian ... Appellants

Vs.

1.The Assistant Commissioner of Police,
Palakarai (Fort Police Station),
Trichy.

2.The Inspector of Police,
Fort Police Station,
Trichy.

3.P.Chandrakumar ... Respondents

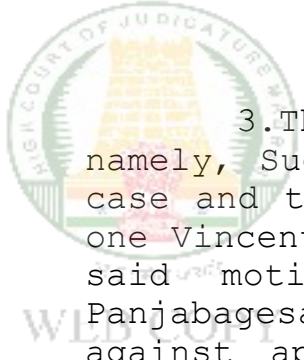
PRAYER: The Appeal is filed under Section 14(A)(2) of SC / ST (Prevention of Atrocities) Amendment Act, 2015, to allow this Criminal Appeal preferred by these appellants against the order passed by the learned Ist Additional Sessions Judge (For PCR cases), Trichy in Cr.M.P.No.334 of 2017 dated 11.08.2017 and set aside the same and enlarge these appellants on bail.

For Appellants : Mr.J.William Christopher
For Respondents : Mr.A.Ramar, APP for R1 & R2

JUDGMENT

The appellants, who were arrested for the offences punishable under Sections 341, 147, 148, 302 of IPC r/w Sections 3 (1)(r) (s), 3 (2) (V) of SC/ST Prevention of Atrocities Amendment Act in Crime No.721 of 2017 on the file of the respondent police, seeks bail.

2.The appellants have filed a petition in Cr.M.P.No.334 of 2017 before the learned First Additional Sessions Judge (PCR cases), Trichy and the same was dismissed on 11.08.2017. As against the same, the appellants have filed the present Criminal Appeal for the above said relief.



3. The case of the prosecution is that the first accused namely, Sugandhi is the wife of the deceased Panjabagesan in this case and the said Panjabagesan has murdered one Senthil Kumar and one Vincent along with other accused in the year 2015. Due to the said motive, the accused are said to have murdered the Panjabagesan in this case. The specific overt act attributed against appellants 1 to 3, who are arrayed as A15, A16, A12 respectively, is that they are said to have surrounded the deceased in escaping from the occurrence place. It is a case of retaliation double murder. The deceased persons in this case are belonging to the Schedule Caste and the appellants in this case are belonging to the caste Hindu community.

4. The learned counsel for the appellants submitted that the appellants are innocent persons and they have been falsely implicated in this case and the names of the appellants were implicated only based on the confession of the co-accused without any incriminating materials and there is a material contradiction between the FIR and further statements of the alleged eye witnesses and the de facto complainant and his 3 ocular witnesses disclosed the fact that only 8 persons were involved in the occurrence. He further submitted that appellants 1 and 2 were in custody from 19.06.2017 onwards and the 3rd appellant was in custody from 07.06.2017 onwards and there is no specific overt act attributed against these appellants and even according to the prosecution, these appellants neither having motive nor participated in the conspiracy and their names are not at all found in the FIR. He further submitted that the appellants 1 to 3 were voluntarily surrendered before the concerned Court and they were remanded to custody.

5. The learned counsel for the appellants seeks permission of this Court to withdraw this Criminal Appeal in respect of the 4th appellant herein, since no such person is arrayed as accused in this case as stated by the prosecution and made an endorsement to that effect.

6. The learned Additional Public Prosecutor submitted that FIR was registered against 8 named accused in this case and during investigation, there are 22 persons were arrayed as accused. He further submitted that 3 accused were arrested and they are in custody and 12 accused have surrendered before the concerned Court and they are remanded to custody and 7 accused are still absconding. He also submitted that as per the confession of A1, appellants 1 to 3 are implicated as accused in this case and investigation is pending.

7. Considering the facts and circumstances of the case and ~~the fact that it is a case of retaliation double murder and 7 accused are still absconding and investigation is still pending, this Court is not inclined to grant bail to the~~



appellants at this stage. Accordingly, this appeal is dismissed in respect of the appellants 1 to 3 and this Criminal Appeal is dismissed as withdrawn in respect of the 4th appellant.

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Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. Ist Additional Sessions Judge (For PCR cases),
Trichy.
2. The Assistant Commissioner of Police,
Palakarai (Fort Police Station),
Trichy.
3. The Inspector of Police,
Fort Police Station,
Trichy.
4. Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.A. (MD) No. 328 of 2017
30.08.2017

GNS

JM/SV MMS/SAR 1/11.10.2017/3P/5C