



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Crl.A.(MD)No.342 of 2017

WEB COPY

A.Binniyammal

... Appellant

Vs.

1.The State Rep.by

The Inspector of Police,

Nagamalai Pudukkottai Police Station,

Madurai District.

2.Arulmozhi

... Respondents

PRAYER: The Petition filed under Section 14-A(2) of SC / ST Act, to set aside the order dated 16.08.2017 in Crl.M.P.No.1693 of 2017 passed by the III Additional District Judge (PCR), Madurai and enlarge the appellant on bail.

For Appellant

: Mr.A.Mithunchakravarthi

For Respondent

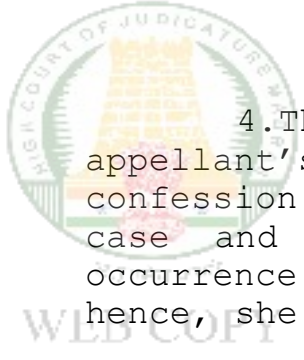
: Mr.A.Ramar, APP (For R1)

JUDGMENT

The appellant, who was arrested on 29.06.2017 for the offence punishable under Section 302 IPC @ 147, 148, 294(b), 109, 120(b) and 302 IPC r/w 3(1)(r)(s) and 3(2)(v) of SC / ST POA Act, in Crime No.460 of 2017 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that due to a dispute between the deceased and A1 to A3, a case in Crime No.39 of 2015 was registered and due to the said motive, all the accused conspired together and attacked the deceased with deadly weapons and caused death.

3.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that initially a case was registered as against unnamed accused and during investigation, totally 12 persons were arrayed as accused in this case and the appellant is arrayed as A7 on the basis of the confession of A1. He further submitted that A1 to A7 were arrested and they are in custody and A8 to A12 are still absconding. He also submitted that as per the confession of A1, the appellant has instigated the other accused to murder the deceased by attacking with aruval and investigation is still pending.



4. The learned counsel for the appellant submitted that the appellant's name was not found in the FIR and only based on the confession of A1, she has been implicated as an accused in this case and the appellant is nothing to do with the alleged occurrence and she was not present at the scene of occurrence and hence, she has been falsely implicated in this case.

5. Considering the facts and circumstances of the case and considering the fact that A8 to A12 are still absconding and also the alleged overt act attributed against the appellant, this Court is not inclined to grant bail at this stage. Accordingly, this Criminal Appeal is dismissed.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

- 1 The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.
- 2 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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JM/SKN RSK/SAR 2/18.09.2017/2P/3C