



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

CrI.A.(MD)No.438 of 2017

WEB COPY

Ranjith Kumar

... Petitioner/Accused Rank Not Known

Vs.

State Rep.by

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

... Respondent/Complainant

PRAYER: The Criminal Appeal is filed under Section 14A(2) and ST (POA) Amendment Act, 2015, to set aside the order in Cr.M.P.No.2809 of 2017 dated 12.10.2017 passed by the II Additional District and Sessions Judge cum PCR Court, Tirunelveli and enlarge the appellant on bail in Crime No.374 of 2017 on the file of the respondent Police.

For Appellant : Mr.K.Baalasundharam

For Respondent : Mr.T.Mohan, APP

#### JUDGMENT

This Criminal Appeal is filed to set aside the order dated 12.10.2017 in Cr.M.P.No.2809 of 2017 passed by the II Additional District and Sessions Judge cum PCR Court, Tirunelveli enlarging the appellant on bail in Crime No.374 of 2017.

2.The case of the prosecution is that due to previous enmity, on 17.05.2017 the appellant along with other accused waylaid the deceased and attacked him with aruval and thereby committed the offence of murder.

3.The learned counsel for the appellant would submit that the appellant was arrested in another case in Crime No.170 of 2017 on 18.04.2017 at Junction Police Station, Tirunelveli and the alleged occurrence took place on 17.05.2017 and the appellant was not present at the scene of occurrence. He further would submit that the appellant filed a petition for seeking bail in Cr.M.P.No.2809 of 2017 before the II Additional Sessions Judge, Tirunelveli and the court below by order dated 12.10.2017 dismissed the said petition. He would also submit that the appellant is an innocent person and he has been falsely implicated in this case. He would submit that initially the name of the appellant was not found in the FIR.

<https://hcservices.ecourts.gov.in/hcservices/> 4.The learned Additional Public Prosecutor appearing for the respondent Police would submit that totally there are 5 named and others and during investigation, totally 12 persons were



arrayed as accused and the appellant is ranked as A11 in this case. He would also submit that based on the confession of the co-accused, the petitioner is implicated in this case for the offence under Section 120(b) IPC and the appellant was formally arrested in this case under P.T.warrant. He would submit that the appellant is having 25 previous cases including 302 IPC cases and the co-accused were detained under Goondas Act and the accused namely, Subash and Ramar were enlarged on bail and A12 is still absconding. He would submit that investigation is completed and charge sheet is also filed before the concerned Court, however, the same was not taken on file.

5.Considering the facts and circumstances of the case and also considering the fact that the appellant was not present at the scene of occurrence and he is one of the conspirator while he is in jail and investigation is completed and charge sheet was also filed and also the period of incarceration of the appellant in jail, this Court is inclined to grant bail to the appellant. Accordingly, the Criminal appeal is allowed and the appellant is ordered to be enlarged on bail subject to the following conditions:-

[a] 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 District and Sessions Judge cum PCR Court, Tirunelveli.

[b]the appellant shall report before the concerned Sessions Court, daily at 10.30 a.m., until further orders.

[c]the appellant shall not tamper with evidence or witness either during investigation or trial.

[d]the appellant shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned 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 learned 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

/True Copy/



To

1.The II Additional District and Sessions Judge cum PCR Court,  
Tirunelveli.

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

3.The Superintendent,  
Central Prison,  
Palayamkottai, Tirunelveli District.

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

+1cc to M/S.K.Baalasundharam, Advocate SR.No. 85909

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nbj

JM/SKN RSK/SAR 3/09.11.2017/3P/6C