



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Crl.A.(MD)No.451 of 2017

Suriya

... Appellant

Vs.

The State Rep.by
The Deputy Superintendent of Police,
Karupayoorani Police Station,
Madurai District.
(Crime No.306 of 2017)

... Respondent

PRAYER: The Petition filed under Section 14-A(2) of SC / ST Act, to call for the records pertaining to the order dated 26.10.2017 made in Crl.M.P.No.2160 of 2017 in Spl.S.C.No.77 of 2017 on the file of the III Additional District Judge (PCR), Madurai and to set aside the same and enlarge the appellants on bail in connection with Crime No.306 of 2017 on the file of the respondent Police by allowing this Criminal Appeal.

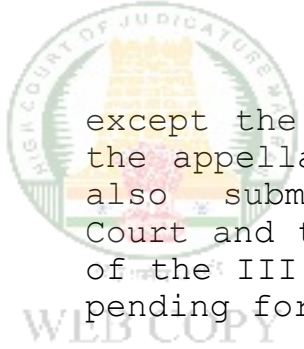
For Appellant : Mr.Thambidurai
For Respondent : Mr.T.Mohan, APP

JUDGMENT

The appellant, who was arrested on 26.09.2017 for the offence punishable under Sections 341, 294(b), 324, 307 of IPC r/w 3(1) (r), 3(1) (s), 3(2) (v) of SC/ST (PA) Amendment of Ordinance 2014 in Crime No.306 of 2017 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that all the accused came with weapons and attacked the de facto complainant by uttering his caste name and caused injuries.

3.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 3 accused in this case and the appellant herein is arrayed as A3. He further submitted that the appellant is implicated as accused in this case on the basis of the confession of co-accused and the name of the appellant is not found in the FIR. He also submitted that the appellant is arrested on 26.09.2017 and he is now in judicial custody and other accused are in custody. He further submitted that there is no specific overt act attributed against the appellant



except the presence of the appellant at the time of occurrence and the appellant is not having the similar type of previous case. He also submitted that charge sheet lodged and was filed before the Court and the same is pending as Spl.S.C.No.77 of 2017 on the file of the III Additional District Judge (PCR), Madurai and the case is pending for framing charges.

4.The learned counsel for the appellant submitted that the appellant is the friend of A1 and he has falsely implicated in this case. He also submitted that the alleged motive is only between A1 and one Parthiban and there is no specific overt act attributed against the appellant herein in the alleged occurrence.

5.Considering the facts and circumstances of the case and also considering the fact that there is no specific overt act attributed against the appellant except the presence in the scene of occurrence with weapon and also the period of incarceration of the appellant from 26.09.2017 onwards, this Court is inclined to grant bail. 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 III Additional District Judge (PCR), Madurai.

[b]the appellant shall report before the concerned 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 (CS-I)



To

1. The III Additional District Judge (PCR),
Madurai.

WEB COPY

2. The Deputy Superintendent of Police,
Karupayoorani Police Station,
Madurai District.
(Crime No.306 of 2017).

+ 1 CC TO Mr.P.THAMBI DURAI, ADVOCATE IN SR No. 86101

GNS

TE/SKN-RSK/SAR-I : 10/11/2017 : 3P/4C

Cr1.A.(MD)No.451 of 2017
09.11.2017