

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice R. SURESH KUMAR

CRIMINAL APPEAL No.149 of 2018

MANIKANDAN,

[PETITIONER]

Vs

THE STATE REP. BY ITS,
THE STATION HOUSE OFFICER,
ARAKANDANALLUR POLICE STATION,
VILLUPURAM, DISTRICT.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to set aside the order of passed in Crl.MP.No.60 of 2018 dated 09.02.2018 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases Registered under the SC/ST/(POA) ACT,1989 Villupuram, by allowing the present Criminal Appeal and may pass such other or further orders.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.R.JAYAPRAKASH, Advocate for the petitioner and of MR. T. SHANMUGA RAJESWARAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

This Criminal Appeal has been filed against the order passed by the learned Sessions Judge, Special Court for Exclusive trial of Cases registered under the SC/ST (POA) Act, 1989, Villupuram made in Crl.M.P.No.60 of 2018 in Crime No.1 of 2018 on the file of Arakandanallur Police Station by order dated 9.02.2018.

2. According to the learned Government Advocate (Criminal Side) appearing for the respondent, on 31.12.2017, at about 08:30 p.m., the appellant/petitioner drove his tractor with a rotavator to plough the land, in a speedy and negligent manner and ran over three persons namely Kirubanithi, Veeramani & Gopi, who were sitting on the road for celebrating New Year.

3. Due to the said accident, two persons out of the three, namely, Kirubanithi and Veeramani died and the third one Gopi,

according to the prosecution, is taking treatment.

4. Subsequently, on the next day, during the early hours at about 02:00 a.m. on 01.01.2018, pursuant to the complaint given by the defacto complainant, a case was registered and on further investigation, the appellant/petitioner was arrested and remanded on 09.01.2018.

5. The learned Government Advocate (criminal side) relied upon the counter affidavit filed on behalf of the respondent and submitted that the respondent has to make further investigation, wherein the prosecution has to collect forensic person's witness, chemical analysis reports of both the deceased, wound certificate report of the injured person/ Gopi, who is taking treatment and also to get the community certificates of the deceased persons, after which a final report could be filed by the respondent.

6. The learned Government Advocate (criminal side) would further submit that since the deceased persons belong to the Scheduled Caste community, some tension seems to prevail in that locality and therefore, if the petitioner is released on bail, that may create some law and order issue.

7. The learned Government Advocate (Criminal side) would also submit that if the appellant/petitioner is enlarged on bail, he may flee to some other State and that will hamper further investigation.

8. When the appellant/petitioner moved bail application before the Court below, similar objections have been raised before the learned Judge. Considering the said objections, the learned Judge through the impugned order dated 09.02.2018 had dismissed the said petition. Aggrieved over the same, this Criminal Appeal has been filed.

9. I have heard Mr.R.Jayaprakash, learned counsel for the appellant and Mr.T.Shanmuga Rajeswaran, learned Government Advocate (criminal side).

10. The alleged offences according to the prosecution, has been altered to 304(ii), 201 IPC r/w 3(2)(v)(va) of SC/ST (POA) Act 1989.

11. As has been stated in the counter affidavit filed by the respondent, the remaining part of investigation is mostly by way of collecting the documents from the officials of Forensic Department, chemical analysis report, wound certificate from the hospital and also community certificate from the Revenue Authorities. In order to make this kind of progress in the

investigation, even if the petitioner is released on bail, that will not prejudice the afore said investigation to be undertaken by the respondent.

12. With regard to the further objections raised by the learned Government Advocate for the respondent, that the appellant may flee to other State, some stringent conditions to ensure his presence in a particular place in order to tighten the clutches of law, can be imposed by this Court. Considering all these facts and circumstances of the case and also considering the fact that the petitioner had been in jail from 09.01.2018, this Court is inclined to pass the following orders:-

- (i) That the appellant/petitioner shall be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) along with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate, Thirukoilur within a period of two weeks from the date of receipt of a copy of this order and;
- (ii) Further the appellant/petitioner shall stay at Tirunelveli town and report daily twice at 10:00 a.m. and 5:00 p.m. at Town Police Station until further orders.
- (iii) The appellant/petitioner shall not leave the town limit of Tirunelveli, without the written permission of the Investigating Officer.

With these directions and observations, the **Criminal Appeal shall stand ordered.**

-sd/-

15/03/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
REGISTERED UNDER THE SC/ST (POA) ACT, 1989,
VILLUPURAM

2 THE JUDICIAL MAGISTRATE,
THIRUKOILUR

3 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM (FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

4 THE STATE REP. BY ITS,
THE STATION HOUSE OFFICER, ARAKANDANALLUR
POLICE STATION, VILLUPURAM, DISTRICT.

5 THE OFFICER INCHARGE
THE TIRUNELVELI TOWN, POLICE STATION,
TIRUNLVELI

6 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS

+1 C.C. to M/S.R.JAYAPRAKASH Advocate on payment of
necessary charges Sr.No.19774

Order
in
CRL A.149/2018

Date :15/03/2018

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

MD: 16/03/2018