



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.A.(MD) No.130 of 2018

1.R.Ganesan

2.K.Murali @ Kannan

... Appellants /
Accused Nos.1 and 2

vs.

State rep. by
The Inspector of Police
Uppiliyapuram Police Station
Trichy District.
(In Crime No.32 of 2018)

... Respondent/ Complainant

PRAYER: Criminal Appeal filed under Section 14-A(2) of SC/ST (POA) Act, 1989 and Protection of Civil Rights Act, 1955 praying to set aside the order dated 02.03.2018 passed in Cr.M.P.No.80 of 2018 by the I Additional District Court (PCR), Tiruchirapalli and consequently to enlarge the appellants on bail in connection with P.S. Crime No.32 of 2018 on the file of the Respondent Police.

For Appellants : Mr.V.R.Venkatesan

For Respondent : Mrs.S.Bharathi
Government Advocate (Crl.Side)

ORDER

On the complaint lodged by one Manivannan, the respondent Police registered a case in Crime No.32 of 2018, on 19.02.2018, under Section 174 Cr.P.C. The case was registered pursuant to the recovery of the body of one Alexander from a open well. During the course of investigation, it came to knowledge of the police that the appellants suspected the deceased as a thief and therefore, when they chased him he fell into the well. Therefore, the case was altered from one under Section 174 Cr.P.C. to Section 304 I.P.C. r/w Sections 3(1)(r)(s) and 3(2)(v) of SC/ST (POA) Act 1989.

2. During the course of investigation, the police arrested Appellants/Accused Nos.1 and 2 on 20.02.2018 and they were remanded to custody. Accused Nos.1 and 2 filed Crl.M.P.No.80 of 2018 before the Special Court for bail and the bail application has been dismissed by the said Court by order dated 02.03.2018, aggrieved by



which the appellants are before this Court with this Appeal.

3. Heard Mr.V.R.Venkatesan, learned counsel appearing for the appellants and Mrs.S.Bharathi, learned Government Advocate (Criminal Side) for the respondent - Police.

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4. The facts of the case disclose that the appellants did not push the accused into the well, but when they chased the accused thinking that he is a thief, he ran and fell into the open well. There is no previous case against the appellants. Further, the appellants are in incarceration from 20.02.2018. In such view of the matter, this Court is of the view that this is a fit case in which bail can be granted to the appellants.

5. In the result, this Criminal Appeal is allowed and the appellants are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned I Additional District Judge (PCR), Tiruchirapalli and on further conditions that:

- (i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (ii) the appellants shall appear before the 2nd respondent police daily at 6.30 p.m., for a period of two weeks and thereafter, they shall appear as and when required.
- (iii) the appellants shall not tamper with evidence or witness either during investigation or trial.
- (iv) the appellants shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Trial Judge is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants released on bail by the learned Trial Judge 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(P&A)

/True copy/

Sub Assistant Registrar

To:



2.The Superintendent of Prisons,
Central Jail,
Trichy.

3.The Inspector of Police
Uppiliyapuram Police Station
Trichy District.

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

+1cc to Mr.V.R.Venkatesan, Advocate, SR.No. 57001

Cr1.A.(MD) No.130 of 2018
22.03.2018

SJ
KK/SKN RSK/22.03.2018/SAR-1/3P-6C