



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **R.THARANI**

Cr1.A. (MD)No.146 of 2018

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Ramkumar alias Ramu

: Appellant/Accused No.4

Vs.

The State Represented by
The Sub-Inspector of Police,
Alwarkurichi Police Station,
Tirunelveli District.

Cr.No.260/2012

: Respondent/Complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act 1989 as amended by Act Amendment Act 1, 2016, to call for the entire records pertaining to the order Cr.M.P.No.329 of 2018 on the file of the II Additional District & Sessions Judge, Tirunelveli and set aside the same and enlarge the appellant on bail.

For Appellant

: Mr.K.Murugan

For M/s.R.Vinoth Bharathi

For Respondent

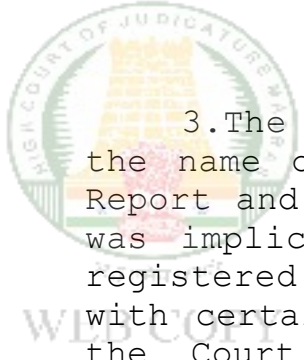
: Mr.Suyambulinga Bharathi

Government Advocate (Cr1 side)

JUDGMENT

On the complaint lodged by one Arumugam, the respondent police registered a case in Crime No.260 of 2012 for the offences under Sections 294(b), 324, 307 and 506(ii) IPC and the same was subsequently altered into one for the offences under Sections 120 (B), 149, 294(b), 307, 324 and 506(ii) IPC r/w Section 3(1)(X) and 3(2)(V) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the appellant. The appellant was granted interim bail by the learned Second Additional District and Sessions Judge, Tirunelveli to the appellant with certain conditions. But the appellant did not appear before the said Court on 22.05.2017. Subsequently, the interim bail was cancelled and non-bailable-warrant was issued on the same day in Cr.M.P.No.329 of 2018, aggrieved by which, this Criminal Appeal has been filed.

2.Heard the learned counsel appearing for the appellant and the learned Government Advocate(Cr1 side) appearing for the



3.The learned counsel appearing for the appellant stated that the name of the appellant is not found in the First Information Report and only on the confession of the co-accused, the appellant was implicated as an accused in this case and a case has been registered against him. The appellant was granted interim bail with certain conditions. But the appellant did not appear before the Court on 22.05.2017. Subsequently, the interim bail was cancelled and NBW was issued on 22.05.2017. The appellant was arrested on 24.08.2017 and he is in custody sofar. Therefore, the appellant is before this Court with the present Criminal Appeal.

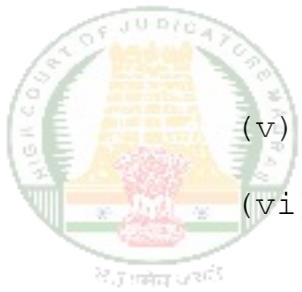
4.The learned Government Advocate(Crl Side) appearing for the respondent submitted that the appellant was released on interim bail on conditions, but the appellant did not comply with the conditions.

5.Admittedly, the appellant was released on interim bail on execution of non bailable warrant. Subsequently, the appellant was arrested on 24.08.2017. On completion of investigation, charge Sheet was filed and the same was also taken on file as PRC.No.77/2015. Committal proceedings was also over. All along the appellant is in custody almost for the past seven months. Therefore, this Court is of the view that it will be in the interest of justice, if bail is granted to the appellant, but, however, subject to certain conditions.

6.In fine, the Criminal Appeal is allowed and the Appellant/Accused No.4 is ordered to be released on bail, subject to the following conditions:

- (i) appellant / accused No.4 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambasamudram;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judicial Magistrate, Ambasamudram may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellant / accused No.4 shall report before the respondent Police at 10:30 a.m., in the morning and 05:30 p.m., in the evening for a period of four weeks and thereafter, as and when required by the respondent police for interrogation.

<https://hcservices.ecourts.gov.in/hcservices/> the appellant / accused No.4 shall not tamper with evidence or witness either during investigation or trial.



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(v) the appellant / accused No.4 shall not abscond either during investigation or trial.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant / accused No.4 in accordance with law as if the conditions have been imposed and the appellant / accused No.4 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(CO)

/True Copy/

Sub Assistant Registrar

To

1.The II Additional District & Sessions Judge, Tirunelveli.

2.The Sub-Inspector of Police,
Alwarkurichi Police Station,
Tirunelveli District.

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

+1cc to Mr.R.Vinoth Bharathi, Advocate Sr.No.60123

TSG

VB/SV/MMS/SAR1/13.04.2018/3P/5C

Judgment made in
Cr1.A. (MD)No.146 of 2018
06.04.2018