



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2018

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R.THARANICr1.A.(MD)No.190 of 2018

Selvam

... Appellant / Accused No.2

Vs.

State represented by
The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
(Crime No.262 of 2014)

... Respondent / Complainant

Prayer : This appeal is filed under Section 14(A) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act, 1989, to set aside the impugned order passed in Cr.M.P.No.900 of 2018 on the file of the II Additional District Session Judge (PCR), Tirunelveli and consequently direct to enlarge the petitioner/ Accused on bail in P.R.C.No.2 of 2015 on the file of the Judicial Magistrate No.V, Tirunelveli.

For Appellant : Mr.P.T.Thiraviam

For Respondent : Mr.K.Suymbulinga Bharathi
Government Advocate (Cr1.Side)**J U D G M E N T**

This appeal has been filed against the dismissal order passed by the learned II Additional Sessions Judge, Tirunelveli in Cr.M.P. (MD)No.900 of 2018 dated 09.04.2018.

2.The offence against the petitioner is under Section 307 and 302 read with Sections 34 IPC 3(2) (V) of SC/ST (PoA) Act, 1989 read with 120 (B) IPC @ 307, 302 IPC read with 34 IPC and Section 3 (1)(r)(s), 3(2) (Va) of SC/ST (PoA) Amendment Ordinance, 2014 in Crime No. 262 of 2014.

3.On the side of the petitioner, it is stated that the petitioner was regularly attending the Court. Due to Jaundice, he was unable to attend the Court on 18.02.2016 hence, NBW was issued against him and he was arrested and remanded to judicial custody on 15.02.2018 in P.R.C.No.2 of 2015. Therefore, he prayed to set aside



the order passed by the learned II Additional Sessions Judge, Tirunelveli in Cr.M.P.(MD)No.900 of 2018 dated 09.04.2018 and to release the appellant/accused on bail.

4. On the side of the respondent, it is stated that the offence is a murder and the appellant was arrested by the police on 15.02.2018, after two years. It is further stated that the appellant is having three previous cases under Section 387 IPC and this case is posted for committal on 19.06.2018 and hence, he prayed to dismiss the appeal.

5. Records perused.

6. The appellant has not filed any document to show that he suffered Jaundice. On 18.02.2016, even after two years the petitioner has not come forward to surrender himself before the Court. Hence, the respondent police arrested the appellant and produced him before the Court. The case is pending for committal. In this stage, if the appellant is released on bail, there may be a delay in the committal proceedings. Hence, this Criminal appeal is dismissed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

TO

1. The II Additional District Session Judge (PCR),
Tirunelveli .
2. The Judicial Magistrate No.V,
Tirunelveli.
3. The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

LS

DS/SV/MMS/SAR-3: 06.06.2018: 2P/5C

Cr1.A. (MD) No.190 of 2018
20.04.2018