



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.05.2018

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Cr1.A.(MD)No.228 of 2018

R.Arunbabu

... Appellant/Petitioner/Accused No.13

Vs.

1. The State,
Rep.by
Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

2.The Inspector of Police,
Tirunelveli Medical College Police Station,
Tirunelveli City,
(Crime No.30 of 2018)

...Respondents 1 & 2/Respondent 1 & 2/
Complainants.

3.Kumar

...3rd Respondent/3rd Respondent/Defacto
Complainant.

PRAYER: The Petition filed under Section 14-A (1) of the SC & ST (POA) Act, 2015 as amended by Act 1 of 2016 to allow this Criminal Appeal to call for the records and set aside the order passed by the learned II Additional District and Sessions Judge, Tirunelveli dated 25.04.2018 made in Cr.M.P.No.1225 of 2018 and enlarge the appellant on bail.

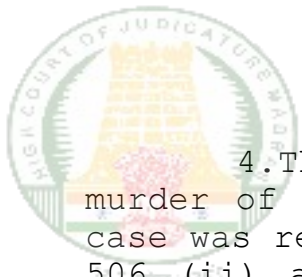
For Appellant	: Mr.G.K.Sundaram
For Respondents	: Mr.Asokan,
1 and 2	Government Advocate

JUDGMENT

This Criminal Appeal has been filed to call for the records and set aside the order passed by the learned II Additional District and Sessions Judge, Tirunelveli dated 25.04.2018 made in Cr.M.P.No.1225 of 2018 and enlarge the appellant on bail.

2.The learned counsel for the appellant is present. Mr.Asokan, learned, Government Advocate takes notice for the respondents 1 and 2 herein. Heard both sides.

3. The present Criminal Appeal is preferred against the order passed by the learned II Additional District and Sessions Judge, Tirunelveli dated 25.04.2018 made in Cr.M.P.No.1225 of 2018.



4. The offence against the appellant is that he has committed murder of a person belonging to the Scheduled Caste community. The case was registered under Sections 147, 148, 447, 294 (b), 324, 302, 506 (ii) and 120(B) of IPC and Section 3 and 4 (a) of Explosive Substance Act, 1908, r/w Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Amendment Act 2015 and 3 (2) (V) of SC/ST (POA) Act 1989.

5. On the side of the appellant it is stated that there are 13 accused in the FIR and it is only stated that some unknown persons involved in that offence and in the light of the FIR the only overt act against the petitioner is that he has purchased a cell phone and served coffee and snacks. The appellant is in custody for the past 60 days. It is prayed that the petitioner is to be released on bail.

6. On the side of the respondents it is stated that A1 to A3 are absconding. Petitioner is Accused -13.

7. Allegation against the appellant is that he has conspired and the name of the appellant is not found in the FIR and except conspiracy, there is no specific overt act against the appellant.

8. In the result, this Criminal Appeal is allowed, the order dated 25.04.2018 passed by II Additional District and Sessions Judge, Tirunelveli made in Cr.M.P.No.1225 of 2018 is set aside and the appellant is ordered to be released on bail on his executing 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 II Additional District and Sessions Judge, Tirunelveli and on further condition 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) On release, the appellant 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.

(iii) the appellant shall not tamper with evidence or witness either during investigation or trial.

(iv) the appellant shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions,



WEB COPY

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 (W)

/True Copy/

Sub Assistant Registrar

To

1. The II Additional District and Sessions Judge,
Tirunelveli.
2. The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli District.
3. The Inspector of Police,
Tirunelveli Medical College Police Station,
Tirunelveli City.
4. The Superintendent, Central Prison,
Palayamkottai (In duplicate communicate to the detenue)
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.G.K.Sundaram, Advocate, SR.No. 8190

Cr1.A. (MD) No.228 of 2018
03.05.2018

dsk/ta
AM/SV MMS/SAR 1/03.05.2018/3P/8C