



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.06.2018

CORAM

THE HONOURABLE MRS. JUSTICE R.THARANI

CrI.A.(MD)No.248 of 2018

Ramesh

... Appellant/Petitioner

Vs.

1.The Deputy Superintendent of Police,
Dindigul Rural,
Dindigul.

... 1st Respondent/Complainant

2.State Represented by
The Sub-Inspector of Police,
Thadikombu Police Station,
Dindigul District.
(Crime No.27 of 2012).

3.Subramani

... 2nd Respondent/Defacto Complainant

Prayer : This appeal is filed under Section 14 A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1/2016, to call for the records relating to the order of dismissal of bail application dated 25.04.2018 made in Cr.M.P.No.1090 of 2018, on the file of the learned Principal Sessions Judge, Dindigul and to set aside the same and to enlarge the appellant on bail in connection with the Crime No.27 of 2012 on the file of the respondent police.

For Appellant : Mr.S.Deenadhayalan
For RR1 & 2 : Mr.K.Suyambulinga Bharathi
Government Advocate (CrI.Side)

JUDGMENT

This appeal has been filed against the dismissal order passed by the learned Principal Sessions Judge, Dindigul in Cr.M.P.No.1090 of 2018, dated 25.04.2018.

2. The case of the prosecution is that due to previous enmity between the appellant and the deceased, the alleged occurrence took place on 10.01.2012. At the instance of A-1, appellant and other persons attacked the deceased and caused instantaneous death. Therefore, the respondent police registered a case against the appellant and other accused for the offences under Sections 120-B, 147, 148, 149, 302, 302 r/w 109, 302 r/w 34 of IPC and Section 3(2) (v) of Scheduled Caste and Scheduled Tribes Act in Crime No.27 of 2012.



3. Heard Mr.S.Deenadhayalan, learned counsel appearing for the appellant and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2.

4. On the side of the appellant, it is stated that the appellant was convicted in a murder case in S.C.No.66 of 2011 on the file of the learned Additional District Court, Tirunelveli. The appellant was in prison from 21.12.2016 and thereafter he was acquitted on 10.04.2018 in the appeal in C.A.No.35 of 2017. During the conviction period, he could not appear before the Court for hearing in this case. Therefore, he was produced on PT warrant on 10.04.2018 and was remanded to judicial custody. Aggrieved over the same, he filed a petition seeking bail, which was dismissed by the learned Principal Sessions Judge, Dindigul. Challenging the same, the present appeal is filed.

5. On the side of the respondents, it is stated that the NBW is pending from the year 2016 and the appellant was remanded to judicial custody only on 10.04.2018. He has further submitted that 18 accused were involved in this case and some of the accused are always absent before the Court and the case could not proceed further, since the appellant is absent for the past two years. It is further stated that the special case in S.C.No.90 of 2014 is pending, since warrants are pending against some of the accused including this appellant and charges are yet to be framed.

6. Records perused. The NBW issued against the appellant is pending from the year 2016 onwards and the appellant is in custody from 10.04.2018. It is stated that NBW is pending against some other accused also. In such circumstances, for framing the charges, the presence of the accused is necessary.

7. Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the appellant at this stage. Hence, the Criminal Appeal is dismissed. The trial Court is directed to split up the case against the available accused and to proceed with the trial. Registry is directed to send copy of this order to the trial Court immediately.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Dindigul.



2.The Additional District Judge,
Tirunelveli.

3.The Deputy Superintendent of Police,
Dindigul Rural,
Dindigul.

4.The Sub-Inspector of Police,
Thadikombu Police Station,
Dindigul District.

5.The Superintendent of Central Prison, Palayamkottai.
(in duplicate for communication to the Accused)

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

7.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.S.Deenadhayalan, Advocate SR.No. 69068

Crl.A. (MD) No.248 of 2018
20.06.2018

sjj
JM/KKR/SAR 4/04.07.2018/3P/11C