



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.06.2018

CORAM:

**THE HONOURABLE MRS. JUSTICE R. THARANI**

**Crl.A.(MD)No.255 of 2018**

WEB COPY

Arivalagan

... Appellant

Vs.

1. The Deputy Superintendent of Police,  
Kamuthi Taluk,  
Ramanathapuram District.

2 .State rep. By its  
The Inspector of Police,  
Kamuthi Police Station,  
Ramanathapuram District.  
(Crime No.344 of 2012)

3.Marivel ... Respondents

**PRAYER:** Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) amendment Act, 2015, to set aside the order passed by the learned Principal District and Sessions Judge, Ramanathapuram in Crl. M.P.No.981 of 2018 dated 23.05.2018 and enlarge the appellant on bail in Crime No.344 of 2012 on the file of the second respondent.

|                         |                                                                  |
|-------------------------|------------------------------------------------------------------|
| For Appellant           | : Mr.A.Uthayakumar                                               |
| For Respondents 1 and 2 | : Mr.K.Suyambulinga Bharathi,<br>Government Advocate (Crl. Side) |

### **JUDGMENT**

Heard Mr.A.Uthayakumar, learned counsel appearing for the appellant and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2.

2.This appeal has been filed to set aside the order passed by the learned Principal District and Sessions Judge, Ramanathapuram, in Crl.M.P.No.981 of 2018 dated 23.05.2018 and enlarge the appellant on bail in Crime No.344 of 2012 on the file of the second respondent.

3.On the side of the appellant, it is stated that investigation was already over and the case against the appellant is pending before the learned Judicial Magistrate, Kamudi, in P.R.C.No.21 of 2013. It is further stated that the appellant went to foreign country for his livelihood and hence, he could not comply with the conditions. He has further stated that the appellant is in custody for the past 21 days and prayed to set



aside the order passed by the lower Court and prayed to let him on bail.

4. On the side of the respondent, it is stated that the occurrence was of the year 2012 and the case is pending for the past seven years as the accused went aboard and was not available in the station. It is further stated that due to his absence, Non Bailable Warrant was issued and the respondent police was able to arrest him only on 07.05.2018. It is further stated that if the appellant was released on bail, he may again abscond which may cause further delay in the case proceedings.

5. Records perused. The occurrence is said to have taken place on 08.11.2012. The petitioner was arrested on 07.05.2018 and is still in custody. It is stated that P.R.C.No.21 of 2013 is pending for committal. Enlarging the petitioner at this stage will affect the committal proceedings. Hence, this Court is not inclined to release the petitioner at this stage.

6. For all the above reasons, the learned Judicial Magistrate is hereby directed to complete the committal proceedings within a period of 20 days as the PRC is pending. This criminal appeal is dismissed accordingly.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge, Ramanathapuram.
2. The Judicial Magistrate, Kamuthi.
3. The Deputy Superintendent of Police,  
Kamuthi Taluk,  
Ramanathapuram District.
4. The Inspector of Police,  
Kamuthi Police Station,  
Ramanathapuram District.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
6. The Superintendent District Prison,  
Ramnad District.

MRN

VB/PN/SAR2/03.07.2018/2P/7C