



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON: 10.07.2018
DELIVERED ON : 09.08.2018
CORAM :

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD) Nos.270, 272 and 275 of 2018

WEB COPY

1.R.Sagayam
2.Rafeeg
3.Arockiasamy

... Appellants/Accused No.A11 to A13 in
Crl. A.(MD)Nos.270, 272, 275 of 2018

vs.

1. State through
The Deputy Superintendent of Police,
Dindigul Town Range,
Dindigul South Police Station,
In Crime No.522 of 2017 ... 1st Respondent in
Crl.A.(MD)No.270 of 2018

2.N.Balasubramani ... 2nd Respondent/Complainant in
Crl.A.(MD)No.270 of 2018

1. State through
The Deputy Superintendent of Police,
Dindigul Town Range,
North Police Station,
In Crime No.1059 of 2017 ... 1st Respondent in
Crl.A.(MD)No.272 of 2018

2.S.Kavitha ... 2nd Respondent /Complainant in
Crl.A.(MD)No.272 of 2018

1. State through
The Deputy Superintendent of Police,
Dindigul Town Range,
North Police Station,
In Crime No.1058 of 2017

2. The Inspector of Police,
North Police Station,
Dindigul District. ... 1st and 2nd Respondents in
Crl.A.(MD)No.275 of 2018

3.B.Valli ... 3rd Respondent/ Complainant in
Crl.A.(MD)No.275 of 2018



the order passed by the learned Principal Sessions Judge (Vacation Court) Dindigul in Cr.M.P.Nos.1161 of 2018, 05 of 2018 and 04 of 2018 dated 17.05.2018.

For Appellant : Mr.J.Willam Christopher
(in all CrI.As)
For Respondent No. 1 : Mr.K.Suyambulinga Bharathi
Government Advocate (CrI. Side)
For 2nd Respondent : Mr.Chellapandian
(CrI.A(MD)Nos.270
and 272 of 2018)
For Respondents 1 and 2 : Mr.K.Suyambulinga Bharathi
Government Advocate (CrI. Side)
For 3th Respondent : Mr.Chellapandian
(CrI.A(MD)No.275 of 2018)

COMMON JUDGMENT

Heard Mr.J.Willam Christopher, learned counsel for the appellant, Mr.K.Suyambulinga Bharathi, learned Government Advocate (CrI. Side) appearing for the Official respondent and Mr.Chellapandian, learned counsel appearing for the Complainant.

2.These appeals have been filed to set aside the orders passed by the learned Principal Sessions Judge (Vacation Court) Dindigul in Cr.M.P.Nos.1161 of 2018, 05 of 2018 and 04 of 2018 dated 17.05.2018.

3.The respondent Police registered a case against the appellants and ten others on the basis of the complaint filed by the defacto complainant for an offences under Section 147, 148, 341 and 302 of IPC and later on altered into Section 147, 148, 341, 302 and 120(b) of IPC and Section 3(2)(Va) of the Scheduled Caste and the Scheduled Tribe (Prevention of Atrocities) Act. The appellants were arrested and are in custody from 26.11.2017, 29.11.2017 and 25.11.2017 respectively. There are 13 accused in this case and the rank of the appellants are A11 to A13. The defacto complainant and the deceased were working as Sweepers.

4.It is stated that the deceased in all the three cases were involved in a murder case of one Somu @ Somasundharam in the year 2016. Due to this motive, all the accused conspired together and in pursuance of that conspiracy, they murdered one of the deceased on 24.11.2017 at about 08.45 a.m, nearby Sri Sakthi Cycle shop at Siluvathoor Road. In pursuance to that conspiracy, they murdered another deceased at 09.30 a.m., nearby N.V.G.B theatre at Ponnappa Nadar Street, Mangles Road. In pursuant to the conspiracy, they murdered another deceased at about 09.45 a.m., nearby Bhava Lodge, Dindigul. It is alleged that all the accused came there in 4 motorcycles. Among all the accused, A1 to A4 inflicted injuries and murdered the deceased.



5. On the side of the appellant, it is stated that the role of the appellants herein is that they are only present in the occurrence place without weapons. The appellants are in custody for the past 216 days. The chargesheet was filed and the name of the appellants are not mentioned in the FIR. There is no possibility for the appellants to tamper the witness. The appellants have no previous cases and prayed to release the appellants on bail.

6. On the side of the prosecution, it is stated that the offence is grave in nature and the co-accused are not arrested. It is further stated that three murders have been taken place on the same day within a short period. The appellants rode the motor bike along with the other accused. If they were released on bail, there may be a threat to the witnesses. It is further stated that the case was taken on file by the learned Principal Sessions Judge (Vacation Court) Dindigul in Special S.C.Nos.93 to 95 of 2017 and the learned Government Advocate (CrI. Side) for the prosecution objected to the release of the appellants on bail.

7. Records perused. The appellants are said to have been involved in three murder cases which took place within a short period on the same date. It is also stated that the appellants are not the prime accused in this case. The petitioners are in custody for the past 21 days. Investigation is already over. It is stated that S.C.Nos.93 to 95 of 2017 are pending against the petitioners and that some of the accused are yet to be arrested.

8. In the above circumstances, this Court is not inclined to release the accused on bail. A direction is issued to the trial Court to split up the case against the absconding accused and to take up the trial of this case as early as possible. These Criminal Appeals are dismissed. The Registry is directed to send the copy of this order to the lower Court.

Sd/-

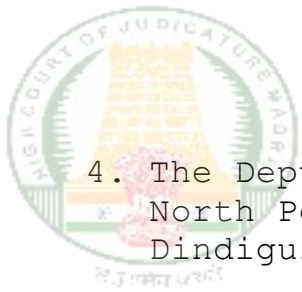
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Principal Sessions Judge (Vacation Court),
Dindigul.
2. The Additional Sessions Judge (PCR Cases),
Dindigul.
3. The Deputy Superintendent of Police,
Dindigul South Police Station,
Dindigul Town Range.



4. The Deputy Superintendent of Police,
North Police Station,
Dindigul Town Range.

5. The Inspector of Police,
North Police Station,
Dindigul District.

6. The Superintendent Central Prison,
Madurai

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

8. The Section Officer, (2 copies)
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.J.Willam Christopher, Advocate Sr.No.77681

MRN

VB/SKN/SAR3/24.08.2018/4P/11C

Cr1.A.(MD) Nos.270, 272 and 275 of 2018
09.08.2018