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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 31.07.2018

DELIVERED ON : 11.08.2018

CORAM :

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD) No.341 of 2018

Selvam

... Appellant

vs.

1.State rep. by

The Inspector of Police,
Munneerpallam Police Station,
In Crime No.262 of 2014

2.Sakthivel

... Respondents

Prayer:- Criminal Appeal filed under Section 14-A(2) of Scheduled Castes and Scheduled Tribes (P.A.) Act, 1989, to set aside the order in Cr.M.P.No.1423 of 2018 dated 14.05.2018 on the file of II-Additional District and Sessions Judge, Tirunelveli (PCR) and enlarge the appellant on bail in Crime No.262 of 2014 dated 02.08.2014 on the file of the first respondent.

For Appellant : Mr.Niranjan S.Kumar

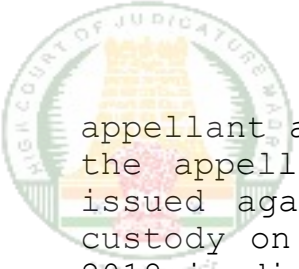
For Respondent No. 1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)

JUDGMENT

Heard Mr.Niranjan S.Kumar, learned counsel appearing for the appellant, Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the first respondent.

2.This appeal has been filed to set aside the order passed in Cr.M.P.No.1423 of 2018 dated 14.05.2018 on the file of II-Additional District and Sessions Judge, Tirunelveli (PCR) and to enlarge the appellant on bail in Crime No.262 of 2014 dated 02.08.2014 on the file of the first respondent.

3.It is seen that on 02.08.2014, at about 08.15 p.m., the appellant and others entered into the Government Bus bearing Registration No.TN-74-N-1011 with dangerous weapons and questioned the passengers who are belonged to SC/ST community. The above community persons got down of the bus and run out. The appellant and others attacked one Manthiram brutally and the deceased died on the spot. The chargesheet was filed before the trial Court against the



appellant and others and was taken on file in P.R.C.No.2 of 2015. As the appellant was absent on 18.02.2016, Non bailable warrant was issued against him and he was arrested and remanded on judicial custody on 15.02.2018. The appellant's petition in Cr.M.P.No.900 of 2018 is dismissed by the trial Court.

4.On the side of the appellant, it is stated that totally 12 accused are involved in this case. The appellant is A2 and the occurrence took place in the year 2014. The appellant is in custody from 15.02.2018. The petitioner has already filed an appeal before this Court in CrI.A.(MD)No.190 of 2018 which was dismissed on 20.04.2018 and prayed to release the appellant on bail.

5.On the side of the prosecution, it is stated that the offence is a murder and the occurrence is of the year on 2014, however the appellant was arrested by the Police only on 15.02.2018. It is further stated that the appellant is having three previous cases under Section 387 of IPC and the case was posted for committal on 19.06.2018 and hence, he prayed to dismiss the appeal.

6.Records perused. The appellant has not stated what kind of illness he was suffering at the time of issuance of NBW and what is the personal inconvenience for the appellant to avoid attending the Court is not stated in the petition. No document is filed to show that the appellant was having ill health during the year 18.02.2016. The reason for not surrendering before the trial Court from 18.02.2016 is not stated in the petition. The case is pending for committal. In this stage, if the appellant was released on bail, there may be a delay in the committal proceedings.

7.In the above circumstances, this Court is not inclined to release the accused on bail. This Criminal Appeal is dismissed.

Sd/
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS-IV)

To

1.The II-Additional District and Sessions Judge, (PCR)
Tirunelveli.

2.The Inspector of Police,
Munneerpallam Police Station.

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



4.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

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