



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.10.2018

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN
CRIMINAL APPEAL(MD) No.446 of 2018

Ramachandran

.. Appellant/Accused No.8

Vs.

1. The Deputy Superintendent of Police
Nilakottai Sub Division
Dindigul. ...1st Respondent/Investigation Officer
2. The State Represented by
The Sub Inspector of Police
Batlagundu Police Station
Dindigul District
(Crime No.435 of 2012) ...2nd Respondent /Complainant
3. Thangaraj ...3rd Respondent/Defacto Complainant

PRAYER : Criminal Appeal is filed under Section 14(A)(2) of Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to call for the records relating to the order in Cr.M.P.No.2345/2018 dated 18.09.2018 on the file of the learned Principal Sessions Judge, Dindigul and to set aside the same and grant bail to the appellant by allowing this Criminal Appeal.

For Appellant : (*) **Ms.B.Leena chantha**
for **Mr.Niranjan S.Kumar**

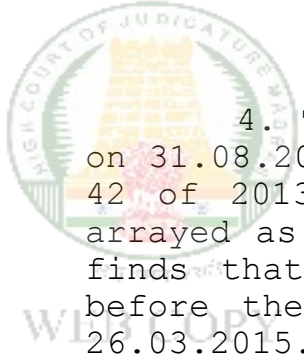
For R-1 and R-2 : Mr.A.Robinson,
Government Advocate (Crl.Side).

JUDGMENT

The criminal appeal is filed against the order dated 18.09.2018 passed in Cr.M.P.No.2345/2018 dated 18.09.2018 on the file of the learned Principal Sessions Judge, Dindigul .

2.Heard the learned counsel appearing for the appellant, the learned Government Advocate (Crl.side) appearing for the respondents 1 and 2.

3.This petition has been filed by the petitioner who is facing trial for offences under Sections 326,354,294(b), 506(ii),3(1)(x) SC/ST Act 1989 @ 147,148,324,354,294(b), 506(ii) of IPC r/w.Section 3(1)(x) SC/ST Prevention of Atrocities Act 1989.



4. The case was registered against the petitioner and others on 31.08.2012 and final report was filed on 13.08.2013. The PRC No. 42 of 2013 has been assigned wherein the petitioner herein was arrayed as 8th accused. From the records and pleadings, this court finds that this petitioner has jumped bail and failed to appear before the court below hence Non Bailable Warrant was issued on 26.03.2015. The respondent police was able to execute warrant, On 27.08.2018, after lapse of 3 ½ years. The accused has been arrested and remanded to judicial custody. Due to his abscondance, the Magistrate court was not able to commit the case to the Special Court. Therefore when the bail petition was moved before the court below, it was dismissed. Aggrieved by the said order, the present bail has been filed under Section 14(A)(2) of Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016.

5. The learned Government Advocate (Crl.Side) would submit that after securing this accused, the case has been committed to the Special Court and the matter is posted for appearance of the accused on 04.10.2018.

6. Considering the nature of the complaint, the financial status of the petitioner who has gone to other state to eke his livelihood as coolie and the period of incarceration, this Court is inclined to grant bail to the appellant, by allowing the Criminal Appeal on the following conditions:-

- (i) the appellant/accused shall be enlarged on bail, on his executing a bond for Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties, out of which one shall be blood related surety, each for a like sum to the satisfaction of learned Principal Sessions Judge, Dindigul.
- (ii) the appellant/accused shall report before the trial court everyday at 4.30.p.m on all working days until further orders ;
- (iii) the appellant/accused shall not tamper with investigation or trial; and
- (iv) on breach of any of the aforesaid conditions, the learned trial Judge is entitled to take appropriate action, as if the conditions have been imposed and the appellant released on bail by the trial Judge himself as laid down by Hon'ble Supreme Court in P.K.Shaji vs State of Kerala in 2005 AIR SCW 5560.

Sd/-
Assistant Registrar

/True Copy/

**(*) Amended as per order the
direction of this Court
vide Court Slip dated 04.10.2018.**



To

**(*) To be substituted with the order dated 03.10.2018
despatched on 03.10.2018 in CrI.A.446 of 2018.**

1. The Principal Sessions Judge,
Dindigul.
2. The Deputy Superintendent of Police
Nilakottai Sub Division
Dindigul
3. The Sub Inspector of Police
Batlagundu Police Station
Dindigul District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

1. The Judicial Magistrate, Nilakottai.
2. The Superintendent,
District Jail, Dindigul.

+1cc to Mr. Niranjan S. Kumar, Advocate in sr.no.88274.

AAV

DS SKN SAR-2 03.10.2018 3P/8C

DS SKN SAR-2 04.10.2018 3P/8C

JUDGMENT MADE IN
CRIMINAL APPEAL (MD) No.446 of 2018

03.10.2018