

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.05.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.A.No.265 of 2019

Vijay

... Appellant

-Vs-

The State of Tamilnadu
Rep. by Sub Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram Taluk & District
(Crime No.132 of 2019)

... Respondent

Prayer:-

Criminal Appeal petition is filed under Section 14-A of the SC/ST (Prevention of Atrocities) Act 1989, to set aside the order dated 3rd April 2019 in Crl.M.P.No.1700 of 2019 on the file of the Learned Principal Sessions Judge of Kancheepuram, at Chengalpattu and enlarge the petitioner on bail.

For Appellant : Mr.C.Punniyakotti

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

This appeal has been filed against the dismissal of the bail petition filed by the petitioner. The petitioner was arrested and remanded to Judicial custody for the alleged offences under Sections 147, 148, 341, 294(b), 324, 506(ii), 307, 302 IPC, read with Section 3(2)(va) of SC/ST POA Amendment Act 2015 in Crime No.132 of 2019.

2. The case of the prosecution is that on 05.03.2019 at about 18.00 hours the defacto complainant's brother standing along with his friends near Pacchaiyappas ground. At that time the petitioner and other accused persons attacked the public, who were coming on the road. When this was questioned by the brother of the defacto complainant, the accused persons are said to have assaulted with knives and caused grievous injuries to him. As a result, he sustained injuries and later died in the

hospital on the same day. There are totally eight accused persons in this case and the present petitioner/Appellant is A2.

3. The learned Counsel/Appellant for the Appellant submitted that a false case has been foisted against the petitioner and the petitioner has nothing to do with the alleged offence. The learned Counsel further submitted that the petitioner was arrested and remanded to judicial custody on 06.03.2019 and he has already suffered incarceration for more than 60 days.

4. The learned Additional Public Prosecutor appearing on behalf of the respondent submitted that all the accused persons had attacked the deceased resulting in his death and they also caused injuries to five other persons and all these injured have already been discharged. The learned counsel further submitted that there are no previous cases against this petitioner.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that the petitioner has already suffered incarceration for more than 60 days and there are no previous cases against this petitioner and considering the age of the petitioner, this Court is inclined to interfere with the order of the Court below by setting aside the same and grant bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Kancheepuram at Chengalpattu, and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police, daily at 10.30 a.m. and 5.30 p.m. until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by

the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. In the result, this Criminal Appeal is allowed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi/ssr

To:

1. The Principal Sessions Judge,
Kancheppuram at Chengalpattu.
2. The Sub Inspector of Police,
Kanchi Taluk Police Station,
Kancheepuram Taluk & District.
3. The Public Prosecutor,
High Court, Chennai - 104.

+1cc to Mr.C.Punniyakotti, Advocate, S.R.No.43629

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MG(CO)
CS/13/05/2019

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