



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.06.2019

CORAM

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A(MD)No.166 of 2019

Dhatchinamoorthy : Appellant/Petitioner

Vs.

1.The Assistant Commissioner of Police,
Anna Nagar,
Madurai City.

2.The State rep. by its
The Inspector of Police,
K.Pudur Police Station,
Madurai City.(Crime No.71 of 2019)

: R1 and R2/Complainants

3.Karthick : Respondent/De-facto
Complainant

Prayer: Criminal Appeal has been filed under Section 14(A)(2) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015 against the order, dated 08.04.2019 made in Crl.M.P.No.370 of 2019 on the file of the III Additional District and Sessions Judge, (PCR), Madurai and enlarge the appellant on bail, in Crime No,71 fo 2019.

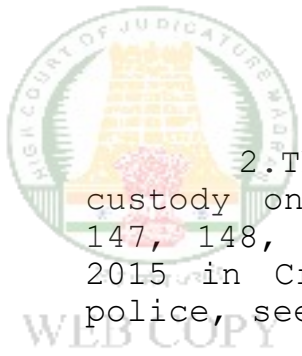
For Appellant : Mr.M.Jegadeesh Pandian

For R1 and R2 : Mr.Suyambulinga Bharathi
Government Advocate
(Criminal side)

For 3rd Respondent : Mr.Karthick
(Party in person)

JUDGMENT

This Criminal Appeal has been filed against the order, dated 08.04.2019 made in Crl.M.P.No.370 of 2019 on the file of the III Additional District and Sessions Judge, (PCR), Madurai and enlarge the appellant on bail.



2.The Appellant, who was arrested and remanded to judicial custody on 15.02.2019 for the offences punishable under Sections 147, 148, 307, 302 IPC and Section 3(2)(Va) of SC/ST (POA) Act, 2015 in Crime No.71 of 2019 on the file of the 2nd respondent police, seeks appeal bail, Crime No.71 fo 2019.

3.The case of the prosecution is that the appellant along with the other accused conspired to commit the murder of the deceased Siva called the other accused to the occurrence place, identified the deceased Siva and attacked indiscriminately and murdered the deceased, who is the member of the scheduled caste community.

4.The learned counsel appearing for the appellant submitted that the appellant is an innocent person and he has been falsely implicated in this case and he has nothing to do with the alleged occurrence and that the appellant is in jail since 15.02.2019 and there is no previous antecedent as against the appellant and he is only bread winner of the family.

5.The learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submitted that the earlier bail applications filed by the appellant were dismissed and the deceased was attacked indiscriminately and murdered by the accused persons and if the appellant is released on bail, he will tamper the prosecution witnesses and prays for dismissal of the criminal appeal.

6.The 3rd respondent has appeared the court as party in person and he has strongly objected to grant bail to the appellant.

7.Heard the learned counsel appearing on either side and perused the materials available on record.

8.Considering the facts and circumstances of the case and also considering the fact that the the appellant is in jail since 15.02.2019 and he is only bread-winner of the family, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 08.04.2019 passed in Cr.M.P.No.370 of 2019 by the learned III Additional District and Sessions Judge (PCR), Madurai.

9.Accordingly, the Criminal Appeal is allowed and the order, dated 08.04.2019 passed in Cr.M.P.No.370 of 2019 by the learned III Additional District and Sessions Judge (PCR), Madurai, is set aside. The appellant 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 III Additional District and Sessions Judge (PCR), Madurai and on further condition that:



[b] the appellant shall not tamper with evidence or witness either during investigation or trial;

[c] the appellant shall not abscond either during investigation or trial; and

[d] On breach of any of the aforesaid conditions, the Trial Court is entitled to take appropriate action against the appellant in accordance with law, as if the conditions have been imposed and the appellant released on bail by the Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To,

- 1.The III Additional District and Sessions Judge, (PCR),
Madurai.
- 2.The II Additional District and Sessions Judge, (PCR),
Madurai.
- 3.The Judicial Magistrate No.VI,
Madurai.
- 4.The Commissioner(Crime) and (L&O),
Anna Nagar, Madurai.
- 5.The Inspector of Police,
K.Pudur Police Station,
Madurai.
- 6.The Superintendent,
Central Prison,
Madurai.
- 7.The Assistant Commissioner of Police,
Anna Nagar,
Madurai City.
- 8.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



9.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2C)

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate SR-68183.

Crl.A(MD)No.166 of 2019
10.06.2019

CS: (13/06/2019) 4P 12C