



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL.A.(MD)No.228 of 2019

C.Rajkumar

... Appellant/Accused No.1

-Vs-

1.The Assistant Commissioner of Police,
Law & Order, Madurai Town,
Madurai.

2.The Inspector of Police,
B-4, Keeraithurai Police Station,
Madurai City, (in Cr.No.1009 of 2018),
Madurai.

3.C.Mariyammal

... Respondents/Respondents

PRAYER: Criminal Appeal filed under Section 14A(2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016, praying to allow this criminal appeal preferred by this appellant against the order passed by the learned III Additional Sessions Judge (PCR Cases) Madurai in Cr.M.P.No.447 of 2019 dated 06.05.2019 in connection with Spl.S.C.No.7 of 2019 on the file of the learned III Additional Sessions Judge (PCR Cases) Madurai.

For Appellant : Mr.J.William Christopher

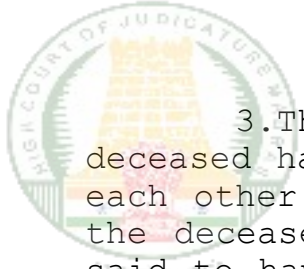
For R1 and R2 : Mr.K.K.Ramakrishnan,

Additional Public Prosecutor.

JUDGMENT

The present appeal is filed to set aside the order in Cr.M.P.No.447 of 2019, dated 06.05.2019 on the file of the III Additional Sessions Judge (PCR Cases), Madurai and enlarge the appellant on bail in Crime No. 1009 of 2018 on the file of the second respondent police.

2.The major offence in this case is Section 174 Cr.P.C., and altered into Sections 302, 316 & 201 IPC and Section 3(2) (V-a) of SC/ST (POA) Act 2015. The appellant was arrested on 24.11.2018 and inside the jail.



3.The case of the prosecution is that the appellant and the deceased had love affair with each other and also they had married each other. Out of the wedlock they have a four year old boy and the deceased was also pregnant by seven months. The appellant is said to have developed intimacy with A2 in this case, and when the deceased questioned the same, a quarrel arose between them. On the date of occurrence there was a wordy quarrel between the appellant and the deceased and the appellant said to have pushed down the deceased in the staircase, in which, the deceased sustained injuries on the back side of her head and died instantaneously.

4.The learned counsel appearing for the appellant submitted that the appellant is an innocent person and he did not commit any offence as alleged by the prosecution.

5.The learned Additional Public Prosecutor appearing for the State submitted that investigation has been completed and final report has also been filed before the III Additional District and Sessions Judge (PCR cases), Madurai in Spl.S.C.No.7 of 2019 and the case is posted for framing of charges on 17.05.2019.

6.Considering the incarceration undergone by the appellant and the fact that the investigation has been completed and final report has also been filed before the III Additional District and Sessions Judge (PCR cases), Madurai in Spl.S.C.No.7 of 2019 and the case is posted for framing of charges on 17.05.2019 and that the appellant was arrested on 24.11.2018 and inside the prison for the past 160 days, this Court is inclined to grant bail to the appellant. Accordingly, 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, for a like sum to the satisfaction of the learned III Additional Sessions Judge (PCR Cases), Madurai and on further conditions that:-

[a] the appellant as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the appellant shall report before the concerned Court on every Monday at 10.30 a.m., till the conclusion of trial;

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

[d] the appellant shall co-operate for the investigation and the trial. The appellant shall not abscond either during investigation or trial and in event of the appellant absconds, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the appellant, as per the principles laid down by the Hon'ble Supreme Court in



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7. Accordingly, this Criminal Appeal is allowed.

Sd/-

Vacation Officer

/ True Copy /

Sub Assistant Registrar (CS-II)

gns

To

1. The III Additional Sessions Judge (PCR Cases),
Madurai.
 2. The Assistant Commissioner of Police,
Law & Order, Madurai Town,
Madurai.
 3. The Inspector of Police,
B-4, Keeraithurai Police Station,
Madurai City,
Madurai.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
 5. The Superintendent,
Central prison,
Madurai.
- +1 CC to M/s. WILLIAM CHRISTOPHER, Advocate
(SR-66129[F] dated 17/05/2019)

CRL.A. (MD) No. 228 of 2019
16.05.2019

ES/17.05.2019/3P/7C