



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	03/04/19
Date of Judgment	09/05/19

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI****Crl.A.(MD)No.97 of 2019**

1.Prasanth
2.R.Sagayam
3.Arockiasamy

: Appellants/A10, A11 & A13

Vs.

1.State through
The Deputy Superintendent of Police,
Dindigul Town Range,
Dindigul North Police Station,
(In Crime No.1059 of 2017)

2.The Inspector of Police,
Dindigul Town North Police Station,
Dindigul,
(In Crime No.1059 of 2017)

: R1 and R2/Complainants

3.S.Kavitha

: R3/De-facto Complainant

Prayer: Criminal Appeal filed under Section 14-A(2) of SC/ST (POA) Act, against the order passed by the Principal Sessions Judge, Dindigul, in Cr.M.P.No.226 of 2019, dated 14.02.2019.

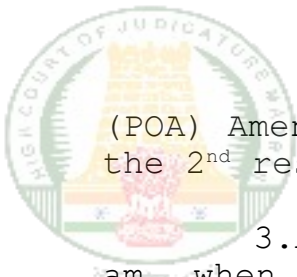
For Appellant : Mr.J.William Christopher

For R1 and R2 : Mr.A.Robinson,
Government Advocate
(Criminal side)

For 3rd Respondent : Mr.S.Shahul Hameed Baig**J U D G M E N T**

This Criminal Appeal is directed against the order passed by the Principal Sessions Judge, Dindigul, in Cr.M.P.No.226 of 2019, dated 14.02.2019 and enlarge the appellant on bail.

2.The Appellants/A10, A11 and A13, who were arrested and remanded to judicial custody on 25.11.2017 and 29.11.2017 for the offences punishable under Sections 147, 148, 341 and 302 IPC @ 120 (B), 147, 148, 341, 302, 506(ii) 149 IPC r/w 3(2)(va) of SC/ST



(POA) Amendment Act 2015, in Crime No.1059 of 2017 on the file of the 2nd respondent police, seeks appeal bail.

3. According to the prosecution, on 24.11.2017 at about 9.30 am, when the de-facto complainant Kavitha along with her husband Saravanan are doing cleaning work near NVGB Theatre at Ponnappa Nadar Lane, due to previous enmity with regard to murder of one Somu, who belongs to Schedule Caste unlawfully assembled with deadly weapons and restrained the husband of the de-facto complainant and committed murder by cutting with aruval repeatedly all over his body and also threatened the public with dire consequences and escaped from the place in their two wheelers.

4. The learned counsel appearing for the appellants submitted that the appellants are innocent persons and they have been falsely implicated in this case and they have nothing to do with the alleged occurrence and that the appellants are in jail since November 2017 and there is no previous antecedent as against the appellants and they are only bread winner of the family.

5. The learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submitted that the appellants along with other accused had jointed together and committed three murder on 24.11.2017 in the public place and if they are released on bail, they will tamper the witnesses and prays for dismissal of the criminal appeal.

6. Heard the learned counsel appearing for the 3rd respondent and he has strongly opposed to grant bail to the accused.

7. However, considering the facts and circumstances of the case and also considering the fact that the the appellants are in jail since November 2017 and they are only bread-winner of the family, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 14.02.2019 passed in Cr.M.P.No.226 of 2019, by the learned Principal Sessions Judge, Dindigul.

8. Accordingly, the Criminal Appeal is allowed and the order, dated 14.02.2019 passed in Cr.M.P.No.226 of 2019 by the learned Principal Sessions Judge, Dindigul, is set aside. The appellants are ordered to be released on bail on each of them 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, Dindigul and on further condition that:

[a] the appellants shall report before the concerned court, daily twice at 10.30 a.m and 5.00 pm until further orders;

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



[c]the appellants 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 appellants in accordance with law, as if the conditions have been imposed and the appellants 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/-

Vacation Officer/
Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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TO

1. The Principal Sessions Judge, Dindigul.
- 2.The Deputy Superintendent of Police,
Dindigul Town Range,
Dindigul North Police Station,
(In Crime No.1059 of 2017)
- 3.The Inspector of Police,
Dindigul Town North Police Station,
Dindigul,
- 4.The Officer Incharge, Sub Jail, Dindigul.
- 5.The Additional Public Prosecutor,
Madurai bench of Madras High Court, Madurai.

+1CC TO MR.J.WILLIAM CHRISTOPHER, Advocate Sr. No. 65668

Judgment made in

Cr1.A. (MD)No.97 of 2019

09.05.2019

NS (CO)

TR (10.05.2019) 3P 7C