



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A(MD)No.269 of 2019

1.K.Yogaraj
2.Vinoth @ Vinothraj
3.Ramanathan
4,.S.Karthik : Appellants/A2, A3, A5 and A6

Vs.

1.State through
The Deputy Superintendent of Police,
Dindigul Town Range,
North Police Station.

2.The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.

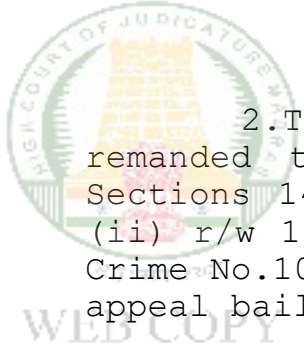
3.S.Kavitha : Respondents

Prayer: Criminal Appeal has been filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016 against the order, dated 07.06.2019 made in Crl.M.P.No.112 of 2019 on the file of the Principal Sessions Judge, Dindigul and enlarge the appellants on bail.

For Appellant : Mr.J.William Christopher
For R1 and R2 : Mr.R.Anandharaj
Additional Public Prosecutor
For 3rd Respondent : Mr.B.Aswin

JUDGMENT

This Criminal Appeal has been filed against the order, dated 07.06.2019 made in Crl.M.P.No.112 of 2019 on the file of the Principal Sessions Judge, Dindigul and enlarge the appellants on bail.



2.The Appellants/A2, A3, A5 and A6, who were arrested and remanded to judicial custody for the offences punishable under Sections 147, 148, 341, 302 IPC @ 120(b), 147, 148, 341, 302, 506 (ii) r/w 149 IPC and 3(2)(va) of SC/ST (POA) Amendment Act 2015 in Crime No.1059 of 2017 on the file of the 2nd respondent police, seek appeal bail.

3.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 from month of November 2017 and prays for allowing this criminal appeal.

4.The learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submitted that the earlier bail application filed by the appellants was dismissed and the appellants along with other accused joint together and committed three brutal murders in the public place and if they are released on bail, they will tamper the witnesses and prays for dismissal of the criminal appeal.

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

6.Considering the facts and circumstances of the case and also considering the fact that the appellants are in jail since November 2017, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 07.06.2019 passed in Cr.M.P.No.112 of 2019, by the learned Principal Sessions Judge, Dindigul.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 07.06.2019 passed in Cr.M.P.No.112 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].

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Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

To,

- 1.The Principal Sessions Judge,
Dindigul.
 - 2.The Deputy Superintendent of Police,
Dindigul Town Range, North Police Station,
Dindigul.
 - 3.The Inspector of Police,
Dindigul Town North Police Station,
Dindigul.
 - 4.The Officer In-Charge,
Sub Jail, Theni.
 - 5.The Officer In-Charge,
Sub Jail, Dindigul.
 - 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to Mr.J.WILLIAM CHRISTOPHER, Advocate SR-75516.

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