WEB COPY

**BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT**

**DATE : 22.10.2019**

**CORAM**

**THE HONOURABLE MR. JUSTICE V.PARTHIBAN**

**CRL. A. (MD) NO. 431 OF 2019**

1. Karthik @ Valukai Karthik
2. Meenakshisundaram .. Appellants/Accused 3 and 4

**- Vs -**

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

2. The Inspector of Police
   Anna Nagar Police Station
   Madurai City.

3. Palaniyappan .. Respondents

Criminal Appeal filed u/s 14 A(2) of the SC/ST (PoA) Act, 1989, against the order dated 07.09.2019 made in Cr. M.P. No.980/2019 on the file of the III Addl. District Court, (PCR Cases), Madurai, set aside the same and release the appellants on bail.

For Petitioner : Mr. S.Poornachandran

For Respondents : Mr. V.Neelakandan, APP for RR-1 & 2
No Appearance for R-3

**JUDGMENT**

The appellants were charged for the offences u/s 294 (b), 307 and 506 (ii) IPC r/w Section 3 (2) (V) of the SC/ST (PoA) Act. Pending trial, the appellants herein filed bail application, which, after hearing was dismissed by the trial court against which the present appeal is filed.

2. Learned counsel appearing for the appellants submit that there are infirmities and inconsistencies in the testimony of the prosecution witnesses and the appellants have a bright chance of succeeding even in the trial and, hence, prays for enlarging the appellants on bail. It is the further submission of the learned counsel for the petitioners that the petitioners are not at all involved in the offence and that the name of the 2nd appellant does not reflect in the FIR.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

3. Per contra, Mr. V.Neelakandan, learned Addl. Public Prosecutor, appearing for respondents 1 & 2 submitted that the trial court, after detailed arguments by both sides, has rejected the application for bail by a well considered order and, therefore, no interference is called for with the said order and this petition is liable to be dismissed.

4. Though notice was issued to the defacto complainant/3rd respondent, there is no appearance for the 3rd respondent. Therefore, the name of the 3rd respondent was directed to be printed in the cause list and the matter was directed to be listed today. Even today, there is neither representation for the 3rd respondent nor the 3rd respondent is present in person.

5. This Court gave its careful consideration to the submissions on either side and also perused the materials available on record.

6. Considering the submissions advanced by the learned on either side and the fact that the trial of the case would take some time to complete and the further fact that the discrepancies pointed out by the learned counsel for the appellants really make out a case for extending the benefit prayed for, this Court is inclined to allow the criminal appeal by setting aside the order dated 07.9.2019 made in Cr. M.P. No.980/2019 passed by the III Addl. Sessions Court, (PCR Cases), Madurai, by granting bail to the appellants.

7. Accordingly, this appeal is allowed and the appellants are directed to be enlarged on bail on condition that the each of the appellant executes a bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the learned III Addl. Sessions Judge, (PCR Cases), Madurai, and on further condition that the appellants shall appear before the said Court at 10.30 a.m. on the 1st working day of every week until further orders.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The III Addl. Sessions Judge
   (PCR Cases), Madurai.

2. The Assistant Commissioner of Police
   Anna Nagar Division
   Anna Nagar, Madurai City.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

3. The Inspector of Police
   Anna Nagar Police Station
   Madurai City.

4. The District Prison,
   Madurai.

5. The Addl. Public Prosecutor
   Madurai Bench of Madras High Court
   Madurai.

+1 CC to M/s.S.POORANCHANDRAN, Advocate ( SR-17897[I] dated 22/10/2019 )

**CRL. A. (MD) NO.431 OF 2019**
**22.10.2019**

KK/SAR/23.10.2019/3P-7C/

https://hcservices.ecourts.gov.in/hcservices/