



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 11.11.2019

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WEB COPY

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. A. (MD) NO. 524 OF 2019

Arumugam .. Appellant/Accused No.2

- Vs -

1. The State, rep. by  
The Deputy Superintendent of Police  
Thiruverumbur Circle,  
Tiruchirappalli. .. 1<sup>st</sup> Respondent/Investigating  
Officer
2. The Inspector of Police  
Navalpattu Police Station  
Tiruchirappalli. .. 2<sup>nd</sup> Respondent/Complainant
3. Thangapandian .. 3<sup>rd</sup> Respondent/Defacto  
Complainant

Criminal Appeal filed u/s 14 A(2) of the SC/ST (PoA) Act, 1989, against the order dated 25.10.2019 made in Cr. M.P. No.5059/2019 on the file of the I Addl. District Judge (PCR), Tiruchirappalli, set aside the same and release the appellant on bail.

For Appellant : Mr. K.Sivabalan

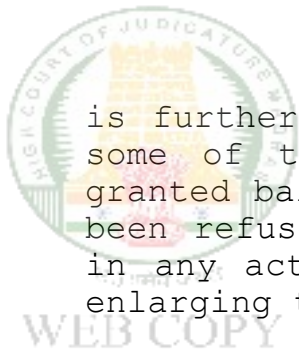
For Respondents : Mr. V.Neelakandan, APP for RR-1 & 2

No Appearance for R-3

### **JUDGMENT**

The appellant, along with other accused, were charged for the offences u/s 294 (b), 323 and 506 (ii) IPC r/w 3 (1) (r) and (s) and 3 (2) (va) of the SC/ST (PoA) Act. Pending trial, the appellant herein filed bail application, which, after hearing was dismissed by the trial court against which the present miscellaneous petition is filed.

2. Learned counsel appearing for the appellant submits that though the prosecution has completed much of the investigation, the trial court, without appreciating the materials available on record, has dismissed the application for bail, filed by the appellant. It



is further submitted by the learned counsel for the appellant that some of the other accused, who are also similarly placed, were granted bail by the court below, but the bail for the appellant has been refused. It is submitted that the appellant will not indulge in any act hampering with the investigation and, hence, prays for enlarging the appellant on bail.

3. Per contra, Mr. V.Neelakandan, learned Addl. Public Prosecutor, appearing for the respondent 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. In spite of notice having been served on the defacto complainant, proof of which has been filed, the defacto complainant/3<sup>rd</sup> respondent has not chosen to appear either in person or through counsel.

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 taking into consideration the incarceration of the appellant for a considerable period of time, this Court is inclined to allow the criminal appeal by setting aside the order dated 25.10.2019 made in Cr. M.P. No.5059/2019 passed by the I Addl. District Judge (PCR), Tiruchirappalli, by granting bail to the appellant.

7. Accordingly, this appeal is allowed and the appellant is directed to be enlarged on bail on condition that 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 I Addl. District Judge, (PCR), Tiruchirappalli, and on further condition that the appellant shall appear before the said Court at 10.30 a.m. on the 1<sup>st</sup> working day of every week until further orders.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

GLN



To

- 1.The I Additional District Judge (PCR)  
Tiruchirappalli.
- 2.The Deputy Superintendent of Police,  
Thiruverumbur Circle, Tiruchirappalli.
- 3.The Inspector of Police,  
Navalpattu Police Station,  
Tiruchirappalli.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
- 5.The Superintendent, Central Prison, Trichy.

+1 CC to M/s.K.SIVABALAN, Advocate ( SR-97381[F] dated 11/11/2019 )

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JMN(12.11.2019) 3P : 7C