



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.02.2020

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.A(MD)No.8 of 2020

WEB COPY

1.R.Dinesh

2.Ponsaravanaperumal : Appellants/Petitioners/A15 and A16

Vs.

1.The Deputy Superintendent of Police,
Thoothukudi City,
Thoothukudi South Police Station,
(Crime No.533 of 2019)

2.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi District. : R1 to R2/R1 and R2/Complainant

3.Ramkumar : Respondent/Respondent/De-facto complainant

Prayer: Criminal Appeal filed under section 14-A(2) of Scheduled Castes and Scheduled Tribe (Prevention of Atrocities) Act, 1989 against the order of the II Additional District and Sessions Judge (FAC), Tirunelveli (III Additional Sessions Judge, Tirunelveli), made in Cr.MP No.3577 of 2019, dated 18.12.2019.

For Appellants : Mr.C.Muthu Saravanan

For R1 and R2 : Mr.V.Neelakandan
Additional Public Prosecutor

For 3rd Respondent : Mr.R.Amarnath

ORDER

This criminal appeal is directed against the order of the II Additional District and Sessions Judge (FAC), Tirunelveli, (II Additional Sessions Judge, Tirunelveli), made in Cr.MP No.3577 of 2019, dated 18.12.2019.

2.The case of the prosecution is that on 21.08.2019 at 10.00 am, the de-facto complainant and the deceased have come to the District Court, Thoothukudi, for attending the case hearing and at that time, some of the identifiable persons proceeded towards them with deadly weapons and assaulted his brother and when the deceased tried to escape, all of them said to have surrounded the deceased and attacked with deadly weapons, thereby



caused severe injuries and subsequently, he died in the hospital.

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 first appellant is in jail from 22.08.2019 and the second appellant is in jail from 23.08.2019 and prays for allowing the criminal appeal.

4.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that the appellants have got direct involvement in the heinous murder committed in the public place and many of the accused in this case are habitual offenders and many criminal cases including several murder cases are pending against the co-accused and the appellants belonged to the gang under prime accused Rajesh @ Rajeshwaran, if the appellants are released on bail, they will not cooperate with framing of charges and tampering the witnesses and prays for dismissal of the criminal appeal.

5.Heard the learned counsel appearing for the 3rd respondent and he has strongly opposed to allow the criminal appeal.

6.However, considering the facts and circumstances of the case and also considering the fact that the the appellants are in jail since August 2019, this Court is inclined to allow the Criminal Appeals by setting aside the order passed in Cr.MP No.3577 of 2019, dated 18.12.2019 by the II Additional Sessions Judge, Tirunelveli.

7.Accordingly, this Criminal Appeal is **allowed** and the order passed in Cr.MP No.3577 of 2019, dated 18.12.2019 by the II Additional Sessions Judge, Tirunelveli, 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 II Additional Sessions Judge, Tirunelveli and on further condition that the **appellants/A15 and A16 shall stay at Madurai and report before the Inspector of Police, Tallakulam Police Station daily at 10.30 am and 05.00 pm until further orders.**

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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To,

1. The II Additional District and Sessions Judge, (FAC)
Tirunelveli.

2. The II Additional Sessions Judge,
Tirunelveli.

3. The III Additional Sessions Judge, Tirunelveli.

4. The Deputy Superintendent of Police,
Thoothukudi City,
Thoothukudi South Police Station,

5. The Inspector of Police, Thoothukudi,
South Police Station,
Thoothukudi District.

6. The Inspector of Police, Tallakulam Police Station,
Madurai

7. The Superintendent,
Central Prison, Palayamkottai,
Tirunelveli.

8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

9. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.C.MUTHU SARAIVANAN, Advocate (SR-7848[F] dated
24/02/2020)

Cr1.A(MD)No.8 of 2020
24.02.2020

GRL(CO)

TR(24.02.2020) 3P 12C