



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 18.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL. A. (MD) NO. 193 OF 2020

1.M.Velmurugan
2.M.Muthamil Selvan @ Selvan .. Appellants/Accused
Rank Not Known

- Vs -

1.The State represented by
The Deputy Superintendent of Police
Puliankudi Sub Division,
Tirunelveli District.
(crime No.234 of 2020)

2.The State represented by
The Inspector of Police
Vasudevanallur Police Station
Tirunelveli District.
(crime No.234 of 2020) ... Respondents/Complainants

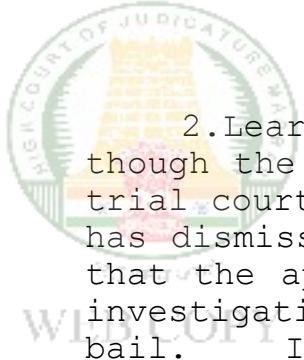
3.Sami .. Respondent//Defacto Complainant

Criminal Appeal filed u/s 14 A(2) of the SC/ST (PoA) Act, 1989, to set aside the bail dismissal order in Cr. M.P. No.945 of 2020 dated 10.06.2020 on the file of the II Addl. Sessions Judge, (PCR), Tirunelveli and enlarge the appellants/accused on bail in Crime No.234 of 2020 dated 29.05.2020.

For Petitioner : Mr.I.Pinayagash
For Respondents : Mr.K.Suyambulinga Bharathi
Govt. Advocate (criminal side)
(for R1, R2)

JUDGMENT

The appellants along with other accused, were charged for the offences u/s 147, 148, 341, 294 (b), 324, 307 and 506(ii) of IPC and Section 3 of TNPPDL Act and Section 3(1)(r) and 3(1)(s) and 3(2)(va) of the SC/ST (PoA) Act, 2005. Pending trial, the petitioners 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 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 appellants and that the appellants will not indulge in any act hampering with the investigation and, hence, prays for enlarging the appellants on bail. It is further submitted by the learned counsel for the appellants that in this case, injured had already been discharged from the hospital.

3. Per contra, Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side), appearing for the respondents 1 and 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 has been served on the third respondent, he did not appear either in person or through his 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 counsel for the appellants and the learned Government Advocate (criminal side) appearing for the State and the fact that the trial of the case would take some time to complete and taking into consideration the incarceration of the appellants for a considerable period of time, this Court is inclined to allow the criminal appeal by setting aside the order dated 10.06.2020 made in Cr. M.P. No.945 of 2020 passed by the II Additional Sessions Judge, (PCR), Tirunelveli, 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 II Addl. District and Sessions Judge, (PCR), Tirunelveli, 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 ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



1. The II Addl. District and Sessions Judge
(PCR), Tirunelveli.
2. The Deputy Superintendent of Police
Puliankudi Sub Division,
Tirunelveli District.
3. The Inspector of Police
Vasudevanallur Police Station
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

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VB (18.06.2020) 3P 5C