



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 18.02.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.43 of 2021

S.Mohamed Ameen

.. Appellant / Petitioner / A-7

Vs.

1.The Deputy Superintendent of Police,
Adirampattinam,
Thanjavur District.

2.The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
(Crime No.1465/2020) ...1st & 2nd Respondents / Complainants

3.Maheswari ... 3rd Respondent / Defacto Complainant

Prayer : This criminal appeal filed under Section 14-A(2) of SC/ST (POA) Amended Act, 2016, against the order dated 11.01.2021, in Crl.M.P.No.01 of 2021 on the file of the first Additional District and Sessions Court, (PCR), Thanjavur dismissing the bail application in Crime No.1465 of 2020 on the file of the Adirampattinam Police Station, Thanjavur District.

For Appellant

: Mr.S.Jayachandran

For R1 & R2

: Mrs.S.Bharathi
Government Advocate

JUDGMENT

This Criminal Appeal has been filed to set aside the order, dated 11.01.2021, in Crl.M.P.No.01 of 2021 on the file of the First Additional District and Sessions Court, (PCR), Thanjavur , and enlarge the appellant on bail.

2. A case against the appellant is that on 26.12.2020, the appellant and others attacked one Sivakumar and murdered him. A case was registered in Crime No.1465 of 2020 by the respondent police under Sections 147, 294(b), 342, 302 I.P.C. and Section 3(1) (r)(s), 3(2)(v) of SC / ST Act. The appellant filed a petition for bail in Cr.M.P.No.1 of 2021. That petition was dismissed by the Trial Court on 11.01.2020. Against the same, the appellant



preferred this Criminal Appeal.

3. Notice served on the third respondent through Police, name printed, non appears on behalf of the third respondent.

4. On the side of the appellant, it is stated that the appellant is only a Jamath Member and he is no way connected with the cases. Already the Jamath Member filed a complaint before the respondent police to curtail illegal intimacy of the deceased and the mother of Haja Sharif. After the occurrence, the appellant went to the Station and passed a comment that if at all police took an action on their petition, the incident might not have happened. Only for passing that comment, the police impleaded the appellant in this case. The appellant is in custody for the past 57 days. Already other accused were released on bail by the Sessions Court. The name of the appellant does not found place in the F.I.R. The allegation is only against the named accused/ A1 to A5 and the appellant is arrayed as A7. There is no specific overt act against the appellant and prayed the appellant to be released on bail.

5. On the side of the first and second respondents, it is stated that the appellant and others tied up the deceased with a post, opposite to the Mosque and beaten him to death. The investigation is in progress. The appellant is the Secretary of the Jamath. Co-accused A1 is still in judicial custody. Others were released on bail by the trial Court. The charge sheet is yet to be filed, if the appellant is released on bail, there is a chance for tampering the witnesses.

6. On the side of the appellant, it is stated that except A1, all other accused were released on bail, after filing of the counter by the respondents 1 and 2.

7. The learned Government Advocate for the respondents 1 and 2 admitted that except A1 all other accused were released on bail after the filing of the counter.

8. Since all the accused, except A1, were released on bail since the appellant is in custody for the past 57 days, this Court is inclined to release the appellant on bail. Hence, the Criminal Appeal is allowed and the Appellant is ordered to be released on bail, subject to the following conditions:

- (i) the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the First Additional District and Sessions Court, (PCR), Thanjavur;
- (ii) the sureties shall affix their



photographs and Left Thumb Impression in the surety bond and the First Additional District and Sessions Court, (PCR), Thanjavur, may obtain a copy of any valid identity proof to ensure their identity.

(iii) The appellant should not interfere in the investigation;

(iv) The appellant should co-operate with the respondent for investigation;

(v) The appellant shall appear before the respondent Police daily **twice ie. 10.30 a.m and 05.00 p.m** until further orders ;

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The First Additional District and Sessions Court, (PCR),
Thanjavur

2.The Deputy Superintendent of Police,
Adirampattinam,
Thanjavur District.



3.The Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.

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

+1 CC to M/s.S.JAYACHANDRAN, Advocate (SR-6119[F] dated
19/02/2021)

Crl. A. (MD) No.43 of 2021
18.02.2021

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