



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.03.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Cr1.A.(MD)No.132 of 2021

1.Gokula Krishnan
2.Durai Pandi
3.Manikandan .. Appellants/Petitioners/Accused

Vs.

1.The State rep by,
The Deputy Superintendent of Police,
Karur Town Sub Division,
Karur Town P.S.,
Karur District.
(Crime No.1031 of 2020)

2.The Inspector of Police,
Karur Town Police Station,
Karur District.
(Crime No.1031 of 2021)

2.Sashmitha .. Respondents/Complainants 1 & 2 and
Defacto Complainant

Prayer : This Criminal Appeal filed under Section 14A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the entire records relating to the order dated 04.03.2021 passed in Cr.M.P.No.222 of 2021 in Crime No.1031 of 2020 on the file of the learned Sessions Judge, Karur and to set aside the same as arbitrary and consequently to release the petitioner on bail in connection with the FIR in Crime No.1031 of 2020 on the file of the first respondent Police.

For Appellants	: Mr.P.Krishnaveni
For Respondents 1 and 2	: Mrs.S.Bharathi
	Government Advocate
For Respondent No.3	: No Appearance

JUDGMENT

This appeal has been filed to set aside the order passed in Cr.M.P.No.222 of 2021 dated 04.03.2021, on the file of the learned Sessions Judge, Karur and to enlarge the appellants on bail.



2.The case against the appellants is that the appellants and others attacked a person named Gopi and caused grievous injuries and threatened the victim and others with dire consequences. The victim was admitted in hospital and he died on 18.09.2020. The case in Crime No.1031 of 2020 was registered against the appellants under Section 302 of IPC. Later it was altered to Sections 302, 34, 120 (b), 506(ii) of IPC r/w. Section 3(2)(v) of SC/ST (POA) Act. The appellants have filed a bail petition in Crl.M.P.No.222 of 2021 before the Sessions Judge, Karur. That petition was dismissed on 04.03.2021. Against the same, the appellants have preferred this appeal.

3.On the side of the appellants, it is stated that there was totally seven accused in the case. The appellants were detained under the Goondas Act and later the same was revoked by this Court. The appellants are in custody for the past 187 days and prayed the appellants to be released on bail.

4.On the side of the respondents 1 and 2, it is stated that totally 12 persons were involved in the offence. The appellants are A1, A2 and A4. The chargesheet was filed on 19.05.2020. The appellants brutally murdered the victim in the day light in front of the witnesses and prayed the appeal to be dismissed.

5.Though notice was served upon the third respondent and printed the name of the third respondent in the cause list, none appears for the third respondent.

6.It is seen that the appellants are in custody for the past 187 days. The proceedings under the Goondas Act was revoked by this Court. In the above circumstances, this Court is inclined to release the appellants on bail on the following conditions:

- (i) the appellants 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 learned Sessions Judge, Karur.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge, Karur, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) On release, the appellants shall reside in Madurai and to sign before the South Gate Police Station daily thrice at 10:30 a.m., 02.00 p.m., and 05.30 p.m., and not to enter Karur District until further orders.



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- (iv) the appellants shall not tamper with evidence or witness either during investigation or trial.
- (v) the appellants shall cooperate with the investigation and the appellants shall appear before the second respondent and Court both during investigation and trial, as and when required.
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants 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(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mrn

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 Sessions Judge,
Karur.
- 2.The Deputy Superintendent of Police,
Karur Town Sub Division,
Karur Town P.S.,
Karur District.
- 3.The Inspector of Police,
Karur Town Police Station,
Karur District.
- 4.The Central Prison,
Trichy.

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



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

6. The South Gate Police Station, Madurai.

+1 CC to M/s.P.KRISHNA VENI, Advocate SR-14040[F] dated 29/03/2021

Crl.A.(MD)No.132 of 2021
26.03.2021

SE (CO)
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