



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 26.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.133 of 2021

Ajith(Male/Aged-24), S/o. Vasanth,

.. Appellant/Petitioner/
Accused - Rank not Known

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 1 to 3/Respondents & Complainants/
Complainants

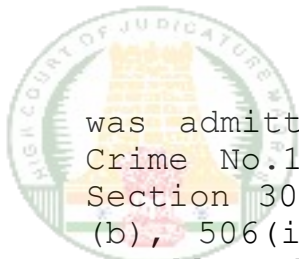
Prayer : This Criminal Appeal filed under Section 14A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the entire records relating to the order dated 04.03.2021 passed in Cr.M.P.No.252 of 2021 in Crime No.1031 of 2020 on the file of the learned Sessions 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 Appellant	: Mrs.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.252 of 2021 dated 04.03.2021, on the file of the learned Sessions Judge, Karur and to enlarge the appellant on bail.

2.The case against the appellant is that the appellant 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 appellant 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 appellant has filed a bail petition in Crl.M.P.No.252 of 2021 before the Sessions Judge, Karur. That petition was dismissed on 04.03.2021. Against the same, the appellant has preferred this appeal.

3.On the side of the appellant, it is stated that there was totally seven accused in the offence. The appellant was detained under the Goondas Act and later the same was revoked by this Court. The appellant is in custody for the past 187 days and prayed the appellant 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 chargesheet was filed on 19.03.2021. The appellant brutally murdered the victim in the day light in front of the witness 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 appellant is 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 appellant on bail on 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 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 appellant 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.
- (iv) the appellant shall not tamper with evidence or witness either during investigation or trial.



(v) the appellant shall cooperate with the investigation and the appellant 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 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(AS)

// 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 Superintendent, Central Prison,
Trichy.



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

Copy to
The Inspector of Police,
South Gate Police Station, Madurai.

+1 CC to M/s.P.KRISHNA VENI, Advocate SR-14041[F] dated 29/03/2021

Crl.A.(MD)No.133 of 2021
26.03.2021

DKS (CO)
TR(29.03.2021) 4P 8C