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Crl.A. No.218 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.A. No.218 of 2022

1.Raj Manikandan
2.Ranjith Kumar

... Appellants/
Accused Nos.19 & 22

vs.

1.The Inspector of Police,
Kitchipalayam Police Station,
Salem – 636 015.
(Crime No.1182 of 2020).

2.State, Represented by
The Deputy Superintendent of Police,
Kitchipalayam Police Station,
Salem – 636 015.

3.Jansirani ... Respondents

PRAYER: Criminal Appeal filed is filed under Section 14-A(2) of Schedule Caste and Schedule Tribes (Prevention of Atrocities), Act, praying to set aside the order dated 21.02.2022 passed in Crl.M.P.No.655 of 2022 by the learned Principal Sessions Judge, Salem and enlarge the appellants on bail in Crime No.1182 of 2020 on the file of the 1st respondent police.

For Appellants : Mr.P.Rajkumar



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For Respondents 1 & 2 : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

For Respondent-3 : No appearance

JUDGMENT

Being dissatisfied with the order dated 21.02.2022 made in Crl.M.P.No.655 of 2022, the appellants, who were arrayed as Accused Nos.19 & 22 in Crime No.1182 of 2020 on the file of the Kitchipalayam Police Station, have preferred this appeal and praying to enlarge them on bail.

2. The case of the prosecution is that the defacto complainant's husband Selladurai is a rowdy element and there was an enmity between the defacto complainant's husband's group and the accused Suriyamoorthy group. Due to previous enmity, on 22.12.2020 at about 7.30 p.m. when the defacto complainant's husband was proceeding along with the defacto complainant and one Valarmathi in his car on Appar Street, the appellants and other accused came with veecharuval in cars and two wheelers and waylaid the defacto complainant's car and attacked the defacto complainant's husband with veecharuval and the defacto complainant's



husband was brought to the hospital, where the Doctor declared him as dead. Hence, a case was registered against the appellants under Sections 147, 148, 341, 302, 427 of I.P.C. r/w. 3 of TNPPDL Act and altered to Section 120-B, 147, 148, 149, 341, 419, 427, 177 r/w.34, 109 and 302 of I.P.C. r/w. Section 3(1) of TNPPDL Act and Section 3(2)(v) of SC/ST (POA) Act, 1989 altered to Section 120(B), 147, 148, 149, 341, 302 of I.P.C. R/w. Section 3(1) of TNPPDL Act and Section 3(2)(v) of SC/ST (POA) Amended Act, 2015.

3. The learned counsel for the appellant would submit that the appellants are innocent persons and no way connected with the offence as alleged by the prosecution. He would further submit that the respondent police has now completed the investigation and filed a final report. According to him, the appellants are in the Judicial Custody from 23.12.2020 onwards. Hence, he prays for bail by allowing this appeal.

4. The learned Government Advocate (Crl. Side) appearing for the respondent/Police raised objection stating that while at the time of occurrence, the appellant Nos.19 and 22 joined together with other accused



and after made conspiracy, committed the offence of murder. Further, they were liable to be convicted under the provisions of SC/ST Act. However, he admits that as of now, the investigation in this case has been completed and final report has also been filed before the trial Court.

5. The submissions made by the learned counsel appearing on either side are considered.

6. No doubt, the alleged offences committed by the appellants are nothing but an heinous crime. However, the appellants are in the judicial custody from 23.12.2020 onwards and as of now, the investigation has been completed. Further more, the appellants are not arrayed as first accused and not having any previous bad antecedents. Hence, the question of hampering investigation and tampering witnesses does not arise. Hence, in view of the above, for completing the investigation, further detention of the appellants is not necessary.



7. Taking into consideration the above said aspects, particularly, considering the period of incarceration, this Court is inclined to grant bail to the appellants subject to following conditions.

8. Accordingly, the appellants are ordered to be released on bail subject to the following conditions;

(a) the appellants shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Salem.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the appellants are directed to appear before the learned Judicial Magistrate No.I, Nagapattinam, daily at 10.00 a.m., until further orders;

(d) the appellants shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judicial 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



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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];

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

In the result, the order passed by the learned Principal Sessions Judge, Salem in Crl.M.P.No.655 of 2022 dated 21.02.2022 is set aside and the Criminal Appeal is accordingly allowed.

15.03.2022

Index : Yes/No
Internet : Yes/No
Speaking/Non speaking order
rsi

To

- 1.The Principal Sessions Judge,
Salem.
- 2.The Inspector of Police,
Kitchipalayam Police Station,
Salem – 636 015.
- 3.The Deputy Superintendent of Police,
Kitchipalayam Police Station,
Salem – 636 015.

6/8



WEB COPY

Crl.A. No.218 of 20



4.The Superintendent,
Central Prison, Salem.

5.The Public Prosecutor,
High Court, Madras.



WEB COPY

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R. PONGIAPPAN, J.

rsi

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