



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.A.Nos.520 and 508 of 2022

Prakash @ Tucklas Prakash

... Appellant
in Crl.A.No.520 of 2022

1. R.Sathishkumar

2. V.Balaji Saravanan

... Appellants
in Crl.A.No.508 of 2022

Versus

1. The Assistant Commissioner of Police,
Nallur Range,
Tiruppur City.

2. State by Inspector of Police,
Nallur Police Station,
Tiruppur City.
(Crime No.116 of 2022)

... Respondents 1 & 2 in
Crl.A.No.520 of 2022

1.The State of Tamil Nadu
Rep.by the Assistant Commissioner
of police, Nallur Police Station.
Tiruppur District.

2.The State of Tamil Nadu
Rep.by the Inspector of Police,
Nellur Police Station, Tiruppur District.

... Respondents 1 & 2 in
Crl.A.No.508 of 2022

3. Anburaj

... 3rd Respondent
in both Crl.Appeals

Prayer in Crl.A.No.520 of 2022: Criminal Appeal filed under Section 14(A) of the SC and ST Act, 1989, to set aside the order, dated 12.05.2022 made in Crl.M.P.No.975 of 2022 passed by the learned Vacation Judge, Tiruppur and to allow the Criminal Appeal and enlarge the appellant on bail.



Prayer in Crl.A.No.508 of 2022: Criminal Appeal filed under Section 14A(2) of the SC ST (Prevention of Atrocities Act), 1989, to set aside the order the order passed by the learned Principal Sessions Judge, Tiruppur in Cr.M.P.No.800 of 2022, dated 27.04.2022 dismissing the bail petition and release the appellant on bail in Cr.No.116 of 2022.

For Appellant : Mr.J.Franklin
in Crl.A.No.520 of 2022

For Appellant : M/s.Deepanuday
in Crl.A.No.508 of 2022

For Respondent : Mr.R.Vinoth Raja
in both Crl. Appeals Government Advocate(Crl.Side) (R1 & R2)

For R3 : Not Appearance

COMMON JUDGMENT

These two appeals are filed as against the orders of the Trial Court denying bail to the petitioners, who are arrayed as accused Nos.4, 5 and 6 respectively.

2. The allegations in this case are that on account of previous enmity between the accused No.2 and the deceased, all these accused persons forcibly took away the victim and brutally attacked and even his head was severed and he was murdered. The specific overtact as far as the appellant in Crl.A.No.520 of 2022 namely, Prakash, is concerned, he is accused No.4 and he also attacked the deceased with a wooden log on the head. As far as the appellants in Crl.A.No.508 of 2022 are concerned, the first appellant namely, R.Sathishkumar, is accused No.5 and he lent his bike for the occurrence and the second appellant namely, V.Balaji Saravanan, accused No.6 is concerned, he provided shelter to the accused. There are no other bad antecedents against all these three accused persons. The accused are arrested and accused No.4 is in custody from 03.03.2022 and the other two accused persons are in custody from 16.02.2022. The investigation is completed and chargesheet is filed and the case was taken on file as Spl.S.C.No.13 of 2022. It is also brought to the notice that the other accused who are similarly placed on record are also granted bail.

3. Considering all the above, I am inclined to enlarge the appellants on bail on the following conditions:-

(a) the appellants are ordered to be released on bail, on executing separate bonds for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the



satisfaction of the Trial Court;

(b) the appellants and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Judge may obtain a copy of their Aadhar Cards or Bank Pass books to ensure their identities;

(c) the appellants shall report before the second respondent/Police as and when required for interrogation;

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

(e) the appellants shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judge/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 are released on bail by the learned Judge/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala, (2005) AIR SCW 5560;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

4. In the result, the order of the learned Vacation Judge, Tiruppur, dated 12.05.2022 made in CrI.M.P.No.975 of 2022 and the order of the learned Principal Sessions Judge, Tiruppur, dated 27.04.2022 made in Cr.M.P.No.800 of 2022 are set aside and the Criminal Appeals are accordingly allowed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

grs

To

1. The Principal Sessions Judge,
Tiruppur.

2.The Vacation Judge,
Tiruppur

3.The Principal District Judge,
Tiruppur.



4. The Assistant Commissioner of Police,
Nallur Range,
Tiruppur City.

5. The Inspector of Police,
Nallur Police Station,
Tiruppur City, Tiruppur District.
(Crime No.116 of 2022)

6. The Public Prosecutor,
High Court of Madras.

7. The Section Officer,
Crl. Section Records,
High Court, Madras.

8. The Superintendent of Central
Prison Coimbatore.

+1cc to Mr.J.Franklin, Advocate, S.R.No.34057

Crl.A.Nos.520 and 508 of 2022

BR(CO)
SB(15/06/2022)