



CRL.A(MD).No. 343 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.07.2022

Pronounced on : 05.07.2022

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No. 343 of 2022

Paraman : Appellant/A2

Vs.

1.State through
The Inspector of Police,
Checkkanurani Police Station,
Checkkanurani, Madurai.
Crime No.2058 of 2020.

2.The Deputy Superintendent of Police,
Usilampatti Sub Division,
Madurai District. : Respondents/Complainants

3.Nagajothi : Respondent/De-facto
Complainant

Prayer : This Criminal Appeal is filed under Section 14(A)(2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, to set aside the order, dated 11.04.2022 made in Crl.M.P.No.561 of 2022 in Spl.S.C.No.22 of 2021 on the file of the III Additional District and Sessions Judge (PCR) Madurai and enlarge the appellant on bail in Crime No.2058 of 2020 on the file of the first respondent.



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For Appellant : Mr.Santhakumaresan, V.
For R1 and 2 : Mr.B.Nambi Selvan,
Additional Public Prosecutor
For R3 : Mrs.R.Rajini

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed in Crl.M.P.No.561 of 2022 in Spl.S.C.No.22 of 2021, dated 11.04.2022, on the file of the III Additional District and Sessions Judge (PCR), Madurai.

2.A case in Crime No.2058 of 2020 was registered by the respondent Police, against the appellant and eight other persons, under Sections 147, 148, 149, 302, 120(b), 34, 341, 342 IPC and 3 (2)(v) of SC/ST (POA) Act and 83(2) of Juvenile Justice Act and the case was taken on file in Spl.S.C.No.22 of 2021. Except this petitioner, all other accused were released on bail, and the petitioner was in judicial custody for the past more than 19 months. The appellant filed a petition for bail in Crl.M.P. No.561 of 2022 and the same was dismissed by the learned III Additional Sessions Judge, on 11.04.2022. Challenging the same, the appellant has preferred this Criminal appeal.



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3.The case of the prosecution is that the appellant along with eight other accused had committed murder of one Senthil Kumar and the appellant was alleged to have brought the victim to the occurrence place and also prevented the deceased escaping from the scene of occurrence.

4.The learned counsel for the appellant would submit that the appellant is in judicial custody for the past more than 19 months and that except the appellant, all other accused were already released on bail.

5.The learned Additional Public Prosecutor appearing for the State would submit that the investigation has already been completed and the final report has already been laid and the case is now pending in Spl.S.C.No.22 of 2021 on the file of the III Additional District and Sessions Court (PCR) Madurai, that the appellant is the prime accused and is having 10 previous cases and that if the appellant is released on bail, there is some possibility of evading process of the Court and tampering with the witnesses.

6.The learned counsel for the appellant would further submit that the only overt act against the appellant is that he had brought the victim to the



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alleged occurrence place and prevented the deceased from escaping the scene of occurrence.

7. The learned Additional Public Prosecutor would further submit that though the other accused were already released on bail, now NBWs are pending against the some of the accused before the trial Court.

8.The third respondent/defacto complainant has filed a counter affidavit raising objections to release the petitioner on bail.

9.The learned counsel for the third respondent would submit that the petitioner, who have been taking bail as an easy way for committing heinous crimes like brutal murder, would indulge in similar kind of activities and that the defacto complainant/wife of the deceased is facing life threat.

10.Considering the above facts and circumstances of the case and also the facts that the appellant is in judicial custody for the past more than 19 months, that the charge sheet has already been filed and the case is pending in Spl.S.C.No.22 of 2021 on the file of the III Additional District



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and Sessions Judge (PCR) Madurai and that all other co-accused were already released on bail, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 11.04.2022 made in Crl.M.P.No. 561 of 2021 on the file of the III Additional District and Sessions Judge (PCR) Madurai.

11. Accordingly, the Criminal Appeal is allowed and the order, dated 11.04.2022 made in Crl.M.P.No.561 of 2022 on the file of the III Additional District and Sessions Judge (PCR) Madurai, is set aside. The appellant is ordered to be released on bail on his executing a bond 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 learned III Additional District and Sessions Judge (PCR) Madurai, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi may obtain a copy of their valid identity card to ensure their identity.

(b) the appellant is directed to appear before the trial Court on all working days at 10:30 a.m., until further orders.



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(c)the appellant shall not tamper with evidence or witness either during investigation or trial.

(d)the appellant shall co-operate with the investigation.

(e)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]**.

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Index : Yes : No
Internet : Yes : No
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To

- 1.The III Additional District and Sessions Judge (PCR),
Madurai.
- 2.The Jail Superintendent, Central Prison,
Madurai.
3. The Inspector of Police,
Checkkanurani Police Station,
Checkkanurani, Madurai.
- 4.The Deputy Superintendent of Police,
Usilampatti Sub Division,
Madurai District.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

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