



Crl. A.(MD)No.424 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 21.07.2022

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.424 of 2022

S.Kalaiyaran

... Appellant/Petitioner

Vs.

1.The State Represented by
The Deputy Superintendent of Police,
Karur.

2.The Sub-Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
(Crime No.778 of 2020)

... Respondents 1 & 2/Complainants

3.R.Ramesh

...3rd Respondent/Defacto Complainant

Prayer : This Criminal Appeal is filed under Section 14-A(2) of SC/ST (POA) Act, to set aside the order dated 24.06.2022 in Crl.M.P.No.1162 of 2022 in S.C.No.48 of 2021 on the file of the learned Principal District and Sessions Judge, Karur, and to enlarge the appellant on bail.

For Appellant : Mr.J.Anandkumar

For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor for R1 and R2
No appearance for R3



Crl. A.(MD)No.424 of 2022

WEB COPY

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the learned Principal District and Sessions Judge, Karur, in Crl.M.P.No.1162 of 2022, dated 24.06.2022.

2. The case of the prosecution is that there existed money transaction dispute between the appellant and the deceased, who is the son of the defacto complainant, due to that, on 17.12.2020 at about 4.30 p.m., the appellant along with other accused attacked the deceased on his head and neck with deadly weapons, for which, the deceased died on the spot. Therefore, the second respondent registered a case against the appellant in Crime No.778 of 2020 for the offences under Sections 147, 148 and 302 IPC altered into Sections 147, 148, 149, 302 and 120(b) IPC and Sections 3(1)(x), 3(1)(xi) and 3(2)(V) of SC/ST (POA) Act.

3. It is not in dispute that since the appellant has not turned up for the hearing on 25.10.2021, Non-Bailable Warrant was ordered to be issued against him, that the appellant has surrendered on 17.06.2022 and that since the appellant was not ready to offer fresh sureties, he was remanded to judicial custody.



Crl. A.(MD)No.424 of 2022

4. The learned counsel for the appellant would submit that the appellant has been falsely implicated in this case and that the appellant is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that that the appellant is in custody from 17.06.2022 onwards.

5. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that Non-Bailable Warrant was ordered to be issued for the first time.

6. The third respondent/defacto complainant has appeared before this Court on earlier occasion and he has not raised any objections. He has not turned up today and there is no representation.

7. Considering the above facts and circumstances of the case and also the facts that the appellant is in judicial custody from 17.06.2022 and that Non-Bailable Warrant was ordered to be issued for the first time, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 24.06.2022 made in Crl.M.P.No. 1162 of 2022 on the file of the learned Principal District and Sessions Court, Karur.

8. Accordingly, the Criminal Appeal is allowed and the order, dated 24.06.2022 made in Crl.M.P.No.1162 of 2022 on the file of the learned Principal District and Sessions Court, Karur, is set aside. The appellant is ordered to be



Crl. A.(MD)No.424 of 2022

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 Principal District and Sessions Judge, Karur, and on further condition that:

[a]the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Principal District and Sessions Judge, Karur, may obtain a copy of their valid identity card to ensure their identity.

[b]the appellant shall report before the trial Court at 10:30 a.m., on all working days until further orders.

[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 Sessions Judge/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 Sessions Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

21.07.2022

Index : Yes/No
Internet : Yes/No
csm



Crl. A.(MD)No.424 of 2022

To

WEB FORM

- 1.The Superintendent,
Central Prison,
Trichy.
- 2.The Principal District and Sessions Court,
Karur.
- 3.The Deputy Superintendent of Police,
Karur.
- 4.The Sub-Inspector of Police,
Velayuthampalaym Police Station,
Karur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl. A.(MD)No.424 of 2022

K.MURALI SHANKAR, J.

csm

Crl. A.(MD)No.424 of 2022

21.07.2022