



Crl. A.(MD)No.471 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 17.08.2022

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

Crl. A.(MD)No.471 of 2022

Ajithkumar

... Appellant/Petitioner/Accused No.2

Vs.

1.The Deputy Superintendent of Police,
Oomatchikulam Sub Division,
Madurai.

2.The State represented by
The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
(Crime No.590 of 2021)

... Respondents 1 & 2/Complainants

3.Guruvammal

...3rd Respondent/Defacto Complainant

Prayer : This Criminal Appeal is filed under Section 14-A(2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016, to call for the records pertaining to the order dated 22.07.2022 in Crl.M.P.No.1592 of 2022 in Spl.S.C.No.32 of 2022 on the file of the III Additional District Court (PCR), Madurai, and to set aside the same and enlarge the appellant on bail in connection with Crime No.590 of 2021 on the file of the respondent police by allowing this criminal appeal.



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For Appellant : Mr.R.L.Dhilipan Pandian

WEB COPY For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor for R1 and R2

M/s.Annie Mohana for R3

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the learned III Additional District and Sessions Judge (PCR), Madurai, in Crl.M.P.No. 1592 of 2022 in Spl.S.C.No.32 of 2022, dated 22.07.2022.

2. The case of the prosecution is that on 03.11.2021, the appellant along with other accused attacked the defacto complainant's husband by using deadly weapons, due to that, the defacto complainant's husband was died on 04.11.2021. Hence, the second respondent registered a case against the accused in Crime No.590 of 2021 for the offences under Sections 147, 148, 324, 307 and 302 IPC altered into Sections 147, 148, 149, 342, 427 and 302 IPC r/w Section 3(2)(v) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, and Section 3 of TNPPDL Act.

3. The respondent police, after completing the investigation, has laid a final report and the case was taken on file in Spl.S.C.No.32 of 2022 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai.



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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 05.11.2021 onwards.

5. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that the appellant is having four previous cases, in which, three cases under IPC offences and one case under SC/ST Act. He would further submit that charge sheet has been filed and the case was taken on file in Spl.S.C.No.32 of 2022 and the case is pending for framing of charges.

6. The learned counsel for the defacto complainant/third respondent has raised objections to grant bail to the appellant.

7. Considering the above facts and circumstances of the case and also the fact that the appellant is in judicial custody from 05.11.2021, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 22.07.2022 made in Crl.M.P.No.1592 of 2022 in Spl.S.C.No.32 of 2022 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai.



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8. Accordingly, the Criminal Appeal is allowed and the order dated 22.07.2022 made in Crl.M.P.No.1592 of 2022 in Spl.S.C.No.32 of 2022 on the file of the learned 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 Court (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 may obtain a copy of their valid identity card to ensure their identity.

[b]the appellant shall stay at Villuppuram and report before the Inspector of Police, Villuppuram Town Police Station at 10:30 a.m., for a period of 30 days and thereafter appear before the trial Court on all working days at 10.30 a.m., 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



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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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Index : Yes/No
Internet : Yes/No
csm

To

- 1.The Superintendent,
Central Prison,
Madurai.
- 2.The III Additional District and Sessions Judge (PCR),
Madurai.
- 3.The Deputy Superintendent of Police,
Oomatchikulam Sub Division,
Madurai.
- 4.The Inspector of Police,
Othakadai Police Station,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J.

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