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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13/09/2022

CORAM

The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.A(MD)No.533 of 2022

A.Maruthupandi : Petitioner/A1

Vs.

1.The State through
The Deputy Superintendent of Police,
Y.Othakadai Police Station,
Madurai District. : 1st Respondent/Complainant

2.Guruvammal : 2nd Respondent/De-facto
Complainant

Prayer: This Criminal Appeal is filed under Section 14-A(2) of scheduled caste/scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to call for the records relating to the order in Cr.MP No.1745 of 202, dated 18/08/2002 on the file of the III Additional District and Sessions Judge for PRC Act Cases, Madurai and set aside the same and grant bail.

For Petitioner : Mr.R.Anandharaj

For Respondent : Mr.R.Meenakshi Sundaran
Additional Public Prosecutor

For 2nd Respondent : Mr.M.Jerin Mathew
(Legal Aid Counsel)

**J U D G M E N T**

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This Criminal Appeal has been filed to set aside the order passed by the III Additional District and Sessions Judge (PCR), Madurai, in CrI.M.P.No.1745 of 2022, dated 18/08/2022.

2.The case of the prosecution is that the de-facto complainant is the wife of the deceased. The deceased is running an auto for hiring. On 03/11/2021, the deceased informed the de-facto complainant that along one Nandeewaran and Nandu, they went to a shop. At about 5.30 pm, she was informed that her husband was assaulted by some persons near the wine shop. One of the above said accused was stated to be one Maruthu. They immediately rushed to the spot and found that her husband lying with stab injuries. He informed that he was assaulted by Maruthu and several persons. He was taken to the hospital, and on 04/11/2021, without responding to the treatment, he died. After completing the investigation, final report has been filed and it was taken cognizance in Special CC No.32 of 2022 by the Special Court.



3.Heard both sides. The de-facto complainant also present and on her behalf, a legal aid counsel was appointed and he made a strong objection to allow this criminal bail appeal.

4.This petitioner, who is arrayed as A1 has filed this appeal against the dismissal of the order, that was passed by the trial court. He was arrested and remanded to judicial custody, on 05/11/2021.

5.The learned counsel appearing for the appellant would submit that Act 14 was invoked against the petitioner and later, that was quashed by this court in HCP(MD)No.311 of 2022; It is learnt that there was an ordinate delay in considering the representation of the detainee; that order was passed, on 19/07/2022; Later, he moved bail application before the Special Court for PCR cases, Madurai and that came to be dismissed, on 18/08/2022 on the ground that this petitioner is the main accused and if he is released on bail, there is every likelihood of tampering the witnesses. The earlier applications were also dismissed, on 18/08/2022, CrI.MP Nos.466, 1602, 1745 of 2022. Finding that there was no



change of circumstances, the above said petitions were dismissed. According to the appellant, the co-accused has been released on bail.

6.Perusal of the CD file shows that out of petty quarrel between the deceased and the accused persons in a drunken mood, the above said murder said to have been committed and no bad antecedent is also reported against this petitioner.

7.Considering the incarceration period of the petitioner, this court is inclined to allow the criminal appeal by setting aside the order passed by the III Additional District and Sessions Judge (PCR), Madurai, in CrI.M.P.No.1745 of 2022, dated 18/08/2022 on condition that he must stay away from the occurrence village and shall stay at Trichy and report before the Judicial Magistrate No.1, Trichy daily at 10.30 am till the material witness are being examined by the trial court.

8.Accordingly, the **petitioner is ordered to be released on bail** on his executing a bond for a sum of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties



each for a like sum to the satisfaction of the learned
III Additional District and Sessions Judge for PCR Act
Cases, Madurai and on further condition that the
petitioner shall stay at Trichy and report before the
Judicial Magistrate No.1, Trichy till the material
witnesses are being examined by the trial court.

13/09/2022

Index:Yes/No
Internet:Yes/No
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To,

- 1.The III Additional Sessions Judge (PRC),
Madurai.
- 2.The Deputy Superintendent of Police,
Y.Othakadai Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Central Prison,
Madurai.



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G. ILANGO VAN, J

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Cr1.A(MD)No.533 of 2022

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