



Crl.A.No.75 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 31.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

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Arungeethan

... Appellant

Vs.

1. The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Redhills Range, Avadi Commissionerate,
Chennai.
2. State: rep. by the Inspector of Police,
E-4, Kattur Police Station, Redhills Police District.
(Crime No.125/2022)
3. Manikandan

... Respondent

Prayer: Criminal Appeal filed under Section 14 A(2) of SC/ST Act to set aside the order dated 12.01.2023 made in Crl.M.P.No.13/2023 by the Principal District and Sessions Judge, Tiruvallur and to enlarge the appellant on bail in Crime No.125/2022 on the file of the respondent police.



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For appellant : Mr.C.S.Saravanan
For Respondents 1&2 : Mr.C.E.Pratap,
Government Advocate (Crl. Side)
For Third respondent : Mr.M.Manikandan, third respondent
appeared in person.

JUDGMENT

This Criminal Appeal has been filed to set aside the order dated 12.01.2023 passed in Crl.M.P.No.13/2023 by the learned Principal District and Sessions Judge, Tiruvallur and to enlarge the appellant on bail in Crime No.125/2022 on the file of the respondent police.

2. The case of the prosecution is that on 09.05.2022, at about 9.00 a.m., when the foster father of the de-facto complainant, namely, Moorthy s/o Arumugam, who belongs to SC community was going to Thiruvellavoyal Tasmac Shop, the accused persons, due to previous enmity, chased him and assaulted him with knife, due to which, he died on the spot. Hence the respondent police registered a case in Crime No.125/2022 for the offences punishable under Sections 147, 148, 302 of IPC against 1. Mohanraj, 2.Sundar, 3.Manikandan, 4.Kishore, 5.Arunkumar and others. Subsequently, the offences have been altered



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under Section 147, 148, 302, 120B IPC r/w 3(2)(v), 3(2)(va) of SC/ST (POA) Act.

3. In the above case, the appellant was arrested and remanded to judicial custody on 23.12.2022. Hence, he filed a petition in Crl.M.P.No.13/2023 before the Trial Court, and the same was dismissed, vide order dated 12.01.2023. Challenging the above said order, this Criminal Appeal has been filed.

4. The learned counsel for the appellant submitted that the appellant is a practising Advocate and he is no way connected with the murder of Moorthy, s/o Arumugam. He further submitted that, at the time of registering the case, the appellant was not shown as accused in the FIR, however, later, the respondent police implicated this appellant as A16, since the appellant having contact with one of the prime accused, namely Danasekaran. The learned counsel also submitted that, without any proper enquiry, the respondent police arrested the appellant and he is in custody from 23.12.2022. The appellant filed a bail petition before the Trial Court and it was dismissed, vide order



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dated 12.01.2023. Hence, the order of the Trial Court may be set aside and the appellant may be granted bail.

5. The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 submitted that, the appellant is A16 in this case and he is having phone contact with one Danasekaran, who is one of the prime accused. Hence, on suspicious, the appellant has been included in this case.

6. The third respondent namely M.Manikandan, s/o Selvaraj, appeared in person before this Court and submitted that, he has no objection to grant bail to the appellant.

7. Heard the learned counsel for the appellant and the learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 and I have perused the materials on record.

8. A perusal of the records shows that the respondent police



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registered a case in Crime No.125/2022 for the offences punishable under Sections 147, 148, 302 IPC @ 147, 148, 302, 120B IPC r/w 3(2)(v), 3(2)(va) of SC/ST (POA) Act against 1. Mohanraj, 2.Sundar, 3.Manikandan, 4.Kishore, 5.Arunkumar and others. Admittedly, the appellant is a practising Advocate and he has been implicated in this case as A16, during the course of investigation, only on the ground that he had phone contact with the accused persons, who were in judicial custody. Apart from this, no allegation attributed against the appellant. Therefore, this Court is of the view that the order passed by the Trial Court is unsustainable and the same is liable to be set aside.

9. Accordingly, this Criminal Appeal is allowed by setting aside the impugned order passed by the Trial Court in Crl.M.P.No.13/2023 dated 12.01.2023, and bail is granted to the appellant with the following conditions.

(i) The appellant is directed to be enlarged on bail on condition that the appellant ***shall execute a own bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) to the satisfaction of the***



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Superintendent, Central Prison, Puzhal.

(ii) The appellant shall affix his photograph and Left Thumb Impression in the bond and the Superintendent, Central Prison, Puzhal, may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity.

(iii) The appellant shall appear before the respondent police, as and when required.

31.01.2023

Index:Yes/No
Internet:Yes/No
mst

To

1. The Principal District and Sessions Judge, Tiruvallur.
2. The Superintendent, Central Prison, Puzhal.
- 3.The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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