



Crl.A.No.1254 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.A.No.1254 of 2022

Karthik

.. Petitioner/Accused-1

/versus/

1.State of Tamil Nadu
The Deputy Superintendent of Police,
Kilkodungalore Police Station,
Vandavasi Taluk,
Tiruvannamalai District.
Crime No.168 of 2022

2.The Sub Inspector of Police,
Kilkodungalore Police Station,
Vandavasi Taluk,
Tiruvannamalai District.

.. Respondents/Complainant

3.Jayaraman

.. Defecto Complainant

Prayer : Criminal Appeal has been filed under Section 14(A)(2) of SC/ST Act, 1989 to set aside the order passed by the learned District and Sessions Judge (Special Court for SC/ST (POA)Act) at Tiruvannamalai in Crl.M.P.No.1262/2022 and the same was dismissed dated 02.11.2022 and enlarge the appellant on bail in Crime No.168 of 2022 pending on the file of the Sub Inspector of Police, Kilkodungalore Police Station, Vandavasi Taluk, Tiruvannamalai District.



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For Appellant :Mr.Vimal B.Crimson

For Respondents :Mr.C.E.Pratap,
Government Advocate (Crl.Side)
for R1 and R2

R-3 Notice served-no appearance

JUDGMENT

This criminal Appeal has been filed against the impugned order passed by the learned District and Sessions Judge, (Special Court for SC/ST Act), Tiruvannamalai in Crl.M.P.No.1262 of 2022 in Spl.S.C.No.50 of 2022 dated 02.11.2022.

2. The learned counsel appearing for the petitioner/A1 submitted that based on the complaint given by the 3rd respondent/defacto complainant, a case was registered against this petitioner, who is arrayed as A1 along with one Sekar by the respondent police in Crime No.168 of 2022 for the offence punishable under Sections 294(b), 341, 323, 302 IPC and Section 3(2)(v) of SC/ST (POA) Act, 2015. This petitioner and Sekar were arrested and remanded to judicial custody on 12.07.2022. Now, the investigation was completed and charge sheet has also been filed and the case has been taken on file as Spl.S.C.No.50 of 2022. He is in the judicial custody for more than 5 months. If the petitioner may be released on bail, he is ready to abide any



condition imposed by this Court.

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3. The learned Government Advocate (Crl.Side) for the respondents 1 and 2 submitted that in this case, the petitioner is the first accused. There is specific overt act against this accused person and he involved in serious offence of murder. Hence, he objected to grant bail and prayed to dismiss the petition.

4. Though notice has been sent to the defacto complainant and his name was printed in the cause list, there is no appearance neither on behalf of the defacto complainant nor through his counsel.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents 1 & 2 and also perused the records.

6. On perusal of the records, the fact reveals that the respondents police registered a case in Crime No.168 of 2022 against this petitioner along with one Sekar for murder of the deceased Devan, S/o Jayaraman, having committed for the offences punishable under Sections 294(b), 341, 323, 302

IPC and Section 3(2) (v) of SC/ST (POA) Act, 2015. Admittedly, he was



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arrested and remanded to judicial custody on 12.07.2022. Further, in this case, investigation has been completed and charge sheet has been filed and the case has been taken on file in Spl.S.C.No.50 of 2022. Considering the reason for the case that according to the prosecution, on 11.07.2022, when the deceased went to his relatives house, there was some altercation between the petitioner Karthik and other persons. In continuation of this altercation, on the date at about 10.30 p.m., this occurrence took place and there is no specific motive for this occurrence.

7. Considering the nature of the offence and origin of the crime and also taking note of the fact that investigation has been completed and final report has been filed, I am inclined to grant bail to the petitioner and the impugned order passed by the trial Court is set aside.

8. Accordingly, the Criminal Appeal is allowed on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) along with two sureties, each, for a likesum to the satisfaction of the learned District and Sessions Judge,(Special Court for SC/ST (POA) Act at Tiruvannamalai;

(ii) The petitioner and the sureties shall affix their photograph and



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Left Thumb Impression in the bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

- (iii) The petitioner shall appear before the trial Court as and when required.

03.01.2023

Index : Yes/No.

Internet : Yes/No.

bsm

To

1.The District and Sessions Judge(Special Court for SC/ST (POA)Act, Tiruvannamalai.

2.The Deputy Superintendent of Police,
Kilkodungalore Police Station,
Vandavasi Tauk,
Tiruvannamalai District.

Crime No.168 of 2022

3.The Sub Inspector of Police,
Kilkodungalore Police Station,
Vandavasi Taluk,
Tiruvannamalai District.

4.The Central Prison, Vellore.

5.The Public Prosecutor, High Court, Madras

V.SIVAGNANAM, J.



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