



Crl.A.(MD).No.609 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 14.08.2023

Pronounced on : 17.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Vellaisamy

.. Appellant/Accused Rank not known

Vs.

1.The Deputy Superintendent of Police,
Office of the Thogmalai Police Station,
Karur District.

2.The Inspector of Police,
Thogamalai Police Station,
Karur District.
(Crime No.200/2023)

.. 1st and 2nd Respondents

3.Singari

... 3rd Respondent/Defacto
Complainant

PRAYER: Criminal Appeal filed under Section 14(A)(2) of SC/ST(POA)Act, to call for the records and set aside the dismissal order of the learned Principal District and Sessions Judge, Karur in C.M.P.No.1009



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of 2023 dated 12.07.2023.

For Appellant : Mr.M.Saravanan
For Respondents : Mr.R.Sivakumar
Government Advocate (Criminal Side)
for R1 &R2
: No appearance for R3.

JUDGMENT

The appellant preferred this appeal against the impugned dismissal order of his bail application dated 12.07.2023 in Cr.M.P.No.1009 of 2023 passed by the learned Principal District and Sessions Judge, Karur.

2. The appellant is said to have committed offence under Sections 452, 302 and 201 IPC @ 452, 302, 201 IPC r/w 3(2)(v) of SC/ST(POA) Act. The appellant was arrested on 10.05.2023.

3. According to the prosecution, the deceased Selvam is the son of the defacto complainant. It is alleged that the said Selvam had illegal intimacy with the appellant's wife. So, the appellant is said to have trespassed into the house of the defacto complainant and murdered the said



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Selvam and dragged the dead body and dropped it into the Well situated in the garden of Vairavaperumal. Subsequently, the defacto complainant lodged a complaint before the respondent police and the same was registered under Section 452, 302 and 201 IPC on 07.05.2023.

4. The learned counsel for the appellant submitted that the appellant was arrested on 10.05.2023. The appellant was falsely implicated in the above case. The respondent police, without any incriminating material, arrested the appellant. The appellant is no way connected with the allegation made in the FIR. The appellant is in the judicial custody from 10.05.2023. Now, the investigation has been completed and final report has also been filed. The learned counsel for the appellant further submitted that except the allegation of threatening, no material was adduced either on the side of the defacto complainant or by the prosecution against the appellant. So, the learned counsel for the appellant seeks bail for the appellant.

5. The learned Additional Public Prosecutor filed a detailed counter and opposed to grant bail on the ground that there is a threat to the



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witnesses in this case. The investigation agency collected number of incriminating materials to show the involvement of the appellant in the above crime and also filed the final report before the jurisdictional Court.

6. The defacto complainant appeared in person before this Court and filed the written objection in Tamil which reads as follows:

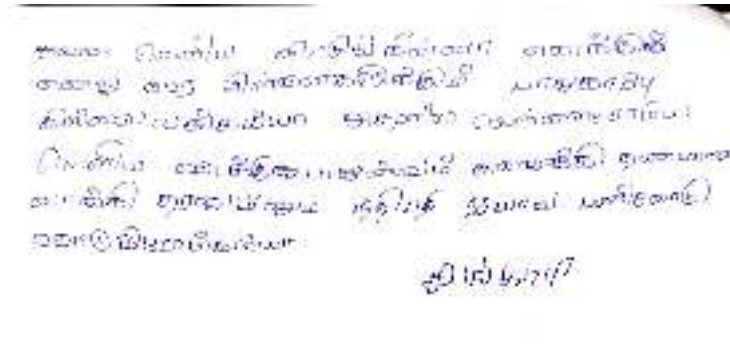
[illegible]



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7. This Court has considered the rival submissions and also perused the records.

8. According to the prosecution, this case rests on the circumstantial evidence. The deceased is said to have illicit relationship with the appellant's wife. So, the appellant is said to have committed murder of the deceased and dragged his body and dropped it into the Well situated in the garden of Vairvaperumal. There is evidence to prove the last seen theory and the investigation has been completed and final report has also been filed before the jurisdictional Court.

9. Considering the above circumstances and the period of incarceration of the appellant from 10.05.2023 onwards, this Court is



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inclined to grant bail with the following conditions:

(a) 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 Principal District and Sessions Judge, Karur;

(b) 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;

(c) the appellant is directed to stay at Dindigul and appear before the Dindigul Taluk Police Station daily at 10.30 a.m., until further orders;

(d) the appellant shall appear before the trial Court only at the time of the hearing of the case;

(e) the appellant shall not tamper with evidence or witness during trial;

(f) On breach of any of the aforesaid conditions, the jurisdictional Special Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the



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appellant released on bail by the jurisdictional Special Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

17.08.2023

NCC :Yes/No
Index :Yes/No
Internet :Yes/No
PJL

Note : Issue order copy on 16.08.2023

To

1.The Principal Sessions Judge,
Karur.

2. The Deputy Superintendent of Police,
Office of the Thogmalai Police Station,
Karur District.

3.The Inspector of Police,
Thogamalai Police Station,
Karur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.K.RAMAKRISHNAN, J.

PJL

**Pre-delivery Judgment made in
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17.08.2023