



Crl.A.No.1194 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.A.No.1194 of 2024

Ambed alias Ambedkar

... Appellant/Accused - A14

Vs.

1.State Represented by;
The Inspector of Police,
Kattur Police Station,
Tiruvallur District,
Crime No. 125/2022,
S.C.No.128/2024.

...Respondent/Complainant

2.Mr.Manikandan

... Respondent/Defacto Complainant

PRAYER: Criminal Appeal filed under Section 14A of the Scheduled Castes and Scheduled Tribes Amendment Act, 2015, to set aside the order in Cr.M.P.No.5026/2024 on the file of the Principal District and Sessions Judge, at Tiruvallur District and enlarge the appellant on bail in the case in S.C.No.128 of 2024 on the file of the Principal District and Sessions Judge, at Tiruvallur District in Crime No.125 of 2022 on the file of the respondent/complainant.



Crl.A.No.1194 of 2024

For Appellant : Mr.S.Thankira
For R1 : Mr.Dr.C.E.Pratap
Government Advocate (Crl. Side)
For R2 : Mr.G.Muralidharan
Legal Aid Counsel

JUDGMENT

This appeal has been filed challenging the dismissal of the bail application filed by the petitioner.

2. The allegation against the appellant is that he, along with others, had caused the murder of the deceased on account of previous enmity. The appellant is arrayed as A14 before the trial Court.

3. The learned counsel for the appellant would submit that the appellant is in custody from 29.02.2024; that the final report has been filed in S.C.No.128 of 2024; and that further detention is not required, as the co-accused have already been enlarged on bail by the orders of this Court and hence prayed for grant of bail to the appellant.



4. The learned Government Advocate (Crl.Side) for the first respondent/complainant would submit that the co-accused have already been released on bail and only the appellant is in custody amongst the accused.

5. The learned counsel for the second respondent/defacto complainant would oppose the grant of bail to the appellant.

6. Admittedly the appellant is in custody from 29.02.2024. The final report has been filed before the Sessions Court. The respondents have admitted in their counter that all the other accused have been granted bail either by the Sessions Court or by this Court on appeal. The further detention of the petitioner is not required for the purpose of trial. The learned Government Advocate (Crl.Side) is unable to point out how the petitioner's case is different from the other accused. Hence, this Court is inclined to grant bail to the appellant.

7. Accordingly, the appellant is ordered to be released on bail subject



to the following conditions:

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(i) The appellant shall execute 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 Principal District and Sessions Judge, at Tiruvallur District.

(ii) the appellant/accused shall appear before the concerned Trial Court on first and second Mondays at 10.00 a.m., until further orders and shall appear before the trial court on all hearing dates without fail.

(iii) the appellant/accused shall not commit any offences of similar nature;

(iv) the appellant/accused shall not abscond either during investigation or trial;

(v) the appellant/accused shall not tamper with evidence or witness either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/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 the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***;

(vii) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



Crl.A.No.1194 of 2024

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8.In view of the above, the impugned order, dated 28.08.2024 in Cr.M.P.No.5026 of 2024 passed by the learned Principal District and Sessions Judge, at Tiruvallur District, is set aside and the Criminal Appeal is allowed.

12.11.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

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Note: Issue Order Copy on 12.11.2024.

Copy to:

1.The Principal District and Sessions Judge,

Page No.5 of 7



Crl.A.No.1194 of 2024

Tiruvallur District.

- 2.The Inspector of Police,
Kattur Police Station,
Tiruvallur District.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.

SUNDER MOHAN, J.

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Crl.A.No.1194 of 2024

Crl.A.No.1194 of 2024

12.11.2024