



Crl.A(MD)No.801 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.10.2024

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A(MD)No.801 of 2024

S.Ragul Prakash

... Appellant/Petitioner/7th Accused

Vs.

**1.The State of Tamilnadu Rep. by
The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thanjavur Sub Division,
Thanjavur District.**

**2.The Inspector of Police,
Medical College Police Station,
Thanjavur District.
(Crime No.250 of 2024)**

... 1st & 2nd Respondents/Complainant

3.Sudha

... 3rd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes Act, to set aside the order dated 21.09.2024 made in Crl.M.P.(MD).No.908 of 2024 on the file of the learned I Additional District and sessions Judge (PCR), Thanjavur, in connection with Cr.No.250 of 2024 on the file of the 2nd respondent police and enlarge the appellant on bail.



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For appellant : Mr.K.M.Karunakaran
For R-1 & R-2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)
For R3 : Mr.R.Gowri Shankar

J U D G M E N T

Heard the learned Counsel appearing for the appellant, learned Government Advocate (Crl. Side) appearing for the respondents 1 & 2 and the learned counsel for the third respondent.

2.This Criminal Appeal has been filed to set aside the order, dated 21.09.2024 made in Cr.M.P.No.908 of 2024 on the file of the I Additional District and Sessions Judge (PCR), Thanjavur and enlarge the appellant on bail in connection with Crime No.250 of 2024 on the file of the 2nd respondent.

3.The appellant, who was arrested and remanded to judicial custody on 10.07.2024, for the offences punishable under Sections 103 of BNS 2023 @ 61(2)(a), 191(2), 191(3), 296(b), 103 BNS r/w Section 3(2)(v) of SC/ST (POA) Act, in Crime No.250 of 2024 on the file of the respondent police, seek appeal bail.



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The first accused's brother namely Prince Lawra was murdered by Sriram and others. Over which there was enmity between two group. They want to make retaliation for the death of Prince Lawra. Hence, all the accused conspired together to done away the deceased. In furtherance of the above said conspiracy, this appellant was engaged for the purpose of watching the movement of the deceased and on 08.07.2024, in furtherance of the above said conspiracy accused A1 to A5 travelled to the workplace of the deceased in two separate two wheelers. A6 was the rider in one of the two wheeler and this appellant appears to have informed the co-accused about the availability of the deceased in his workplace. All the accused surrounded, chased him and done to death.

5.On the basis of the above said complaint the FIR in Crime No.250 of 2024 has been registered on the file of the second respondent police and the accused was remanded in to custody on 10.07.2024. Seeking bail, he moved before the Special Court in Crl.M.P.No.908 of 2024. That came to be dismissed stating that it is too early stage to enlarge the petitioner on bail. Against which, this criminal appeal has been preferred.



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6.The learned counsel for the appellant submitted that A6, who is the co-accused in this case has been granted bail by the order, dated 14.10.2024, by the I Additional District and Sessions Judge, (PCR), Thanjavur. This petitioner standing on the very same footing.

7.The learned Government Advocate (Crl. Side) appearing for the State and the learned counsel for the 3rd respondent would submit that this appellant was engaged for the purpose of watching the movement of the deceased as noted above. Since it is case of retaliation, they made strong objection. But, however, considering the fact that the appellant only watching the movement of the deceased and he did not take part in the alleged murder and also considering the fact that A6, who drove the vehicle at the time of murder and present in the place of occurrence, was granted with bail by the District Court and also considering the period of incarceration, this Court is inclined to allow this appeal and grant bail to the appellant with certain conditions.

7.Accordingly, the Criminal Appeal is allowed and the order dated 21.09.2024 made in Cr.M.P.No.908 of 2024 on the file of the I Additional



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District and Sessions Judge, (PCR), Thanjavur, is hereby set aside. The appellant 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 I Additional District and Sessions Judge, (PCR), Thanjavur and on further condition that:

[a] the appellant shall file an undertaking affidavit after releasing from Prison, to the effect that he will not make any trouble to the defacto complainant in future;

[b] the appellant shall appear before the concerned court, daily at 10:30 a.m. until further orders;

[c] the appellant shall not tamper with evidence or witness either during investigation or trial;

[d] the appellant shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the 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 Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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Index : Yes/No

Internet : Yes/No

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To

- 1.The I Additional District and Sessions Judge, (PCR), Thanjavur.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Thanjavur Sub Division,
Thanjavur District.
- 3.The Inspector of Police,
Medical College Police Station,
Thanjavur District.
(Crime No.250 of 2024)
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

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