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CRL A No. 1269 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-09-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL A No. 1269 of 2025

SANKAR

S/o.Palimuthu

Appellant

Vs

1. The State Rep by,
The Deputy Superintendent of Police,
Velur Sub Division, Namakkal District.

2.The State Rep by,
The Inspector of Police,
Velagoundampatty Police Station,
Namakkal District.

3.Jeyakodi
W/o.Kamaraj

Respondents

PRAYER

Criminal Appeal filed under Sec.14A(2)SC/ST (POA) Amended Act, 2015
praying to set aside the order dated 03.06.2025 made in Crl.M.P.No.90/2025 in
Spl.S.C.No.14/2025 on the file of the Learned Sessions Court, Special Court for



SC/ST (POA) Act, Namakkal and enlarge the appellant on bail in connection with the case in Spl.SC No.14/2025 pending trial on the file of the Learned Sessions Court, Special Court for SC/ST (POA) Act, Namakkal.

For Appellant: Mr.C.Harish

For Respondents: Mr.V.Meganathan
Govt. Advocate (Crl. Side)
for R1 and R2
R3 – No appearance

ORDER

This Criminal Appeal has been filed as against the order dated 03.06.2025 passed by learned Sessions Court, Special Court for SC/ST (POA) Act, Namakkal in Crl.M.P.No.90 of 2025 in Spl.S.C.No. 14 of 2025, thereby dismissed the petition for bail.

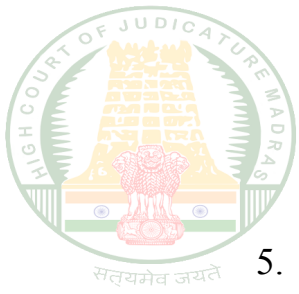
2. The appellant is arrayed as A3 in Crime No.02 of 2025 on the file of 2nd respondent registered for the offences punishable under Secs. 103(1), 61(2) and 49 of BNS, 2023 r/w Sec.3(2)(V) of Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act.

3. The contention of appellant/3rd accused is that he was not involved in the alleged offence of murder, he was falsely implicated in this case and he has



also not conspired with other accused to commit murder of deceased Sanjay on 01.01.2025. He was in judicial custody nearly about 218 days. As on date, the investigation completed and final report was also filed. He is ready to abide by any condition that may be imposed by this court and prayed to grant bail. But, the trial court had erroneously dismissed the petition holding that this appellant/3rd accused also travelled in a car viz., Mahendira Vertio along with accused with deadly weapons in the place of occurrence and he was also actively participated in the conspiracy with other accused to commit the murder. Therefore, the trial court is not inclined to grant bail and accordingly, the petition was dismissed. Challenging the said order, now the appellant/3rd accused preferred this Criminal Appeal.

4. The learned counsel for appellant argues that even as per the investigation, it reveals that he was not present at the time of alleged commission of murder and even as per prosecution, he travelled along with other accused with deadly weapons only on 31.12.2024 on the previous day of occurrence and not on the date of occurrence. But, this fact was not properly appreciated by the trial judge and erroneously dismissed the petition. Hence, he prayed to set aside the findings of trial judge and prayed for bail with any condition that may be imposed by this court.



5. The learned Government Advocate (Crl. Side) appearing for respondents raised strong objections stating that on the previous day of occurrence viz., 31.12.2024, this appellant along with A1 and A2 with deadly weapons riding the car Mahindra Verito and searching the deceased Sanjay with the intention to kill him, when he was not available, it was not worked out and on the next day, on 01.01.2025, the occurrence was happened. Therefore, this petitioner also had knowledge of conspiracy. Hence, the findings of trial judge as such is sustainable one. If he is released on bail, he may abscond and tamper the evidence. Hence, he prayed to dismiss this Criminal Appeal.

6. Heard both sides and perused materials available on record.

7. Considering both side submissions, the fact reveals that the appellant is arrayed as 3rd accused in Crime No. 2 of 2025 and according to prosecution, on 01.01.2025 at the early hours of around 3'o clock, the accused 1 and 2 along with other accused conspired to commit murder of Sanjay with a previous motive and for that conspiracy, this appellant/3rd accused also assisted them by using the car belong to third party on the previous day itself. Therefore, he was also actively participated in the conspiracy. Now, the investigation completed and final report was also filed, wherein the fact reveals that this appellant/3rd accused along with other accused riding a car belongs to one Ramesh with

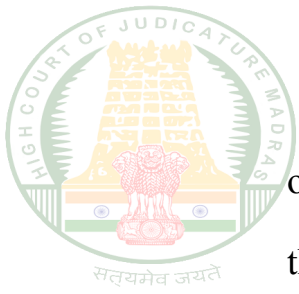


deadly weapons and the car was driven by this appellant on the previous day of occurrence. When the deceased was searched along with other accused, the occurrence was not happened. Therefore, the charges levelled against him is that he accompanied with other accused. To that effect also, the investigation is completed and there is no previous case pending against him. The specific overtact against this appellant/3rd accused is that on the previous day of occurrence, he accompanied with other accused and went to the place of occurrence in a car belong to one Ramesh with deadly weapons.

8. Now, considering the fact that investigation was completed and final report was also filed and also considering the period of incarceration undergone by the appellant, this Court is inclined to grant bail to the appellant/3rd accused with certain conditions. Accordingly, this Criminal Appeal is allowed and the findings rendered by the trial court in Crl.M.P.No. 90 of 2025 is set aside.

9. Accordingly, the appellant/3rd accused 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, in which **one surety must be a blood surety**, for a like sum to the satisfaction of the ***Sessions Court, Special Court for SC/ST (POA) Act, Namakkal***, and on further conditions that:

- (a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may



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obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police on every Monday and Saturday at 10.30 a.m. for the period of six months and also he shall appear before the trial court for every hearing without fail until completion of trial.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]*; and;

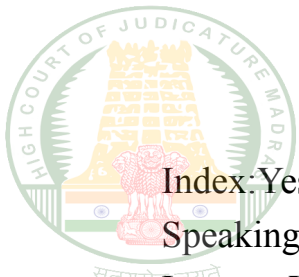
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

10. Furthermore, the victim was aged about 24 years, unmarried and living with the defacto complainant/his mother and unmarried sister. Since



already his father left the family, entire family was looked after by the defacto complainant and deceased at the time of incident. Now, after the demise of deceased Sanjay, entire family is suffering for their livelihood. Considering that, this Court recommends that it is a fit case to refer, **as per 357(A) (1)(2) and (6) of Victim Compensation Scheme**. The **District Legal Services Authority, Namakkal**, is hereby directed to refer the matter to **District Collector, Namakkal** to get interim compensation of **Rs.2,50,000/- (Rupees two lakhs fifty thousand only)** to them based on the available scheme in the manner known to law within a period of 3 months from the date of receipt of copy of this order and after sanction of the amount **as per 357(A) (1)(2) and (6) of Victim Compensation Scheme**, out of which, two sisters of deceased viz., Sathya and Sabitha are entitled for a sum of Rs.75,000/- each. Since they are minors, the same shall be deposited in any post office bearing fixed deposit scheme until the minor attains majority and the interest thereon shall be withdrawn by minors' mother, once in three months. The remaining sum of Rs.1,00,000/-, the mother of deceased is permitted to withdraw on submitting proper identification. Moreover, the appellant/3rd accused is also directed to pay a sum of Rs.50,000/- to deceased family and the defacto complainant is permitted to withdraw the same.

03-09-2025



Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Sessions Court, Special Court for SC/ST (POA) Act, Namakkal.

2. The Deputy Superintendent of Police,
Velur Sub Division, Namakkal District.

3. The Inspector of Police,
Velagoundampatty Police Station, Namakkal District.

4. The Superintendent of Prison, Central Prison, Salem.

5. The Public Prosecutor, High Court, Madras

6. The District Legal Services Authority, Namakkal.

7. The District Collector, Namakkal.



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T.V.THAMILSELVI J.

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