



Crl.A.(MD)No.354 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A.(MD)No.354 of 2025

Ramkumar

... Appellant

versus

1. The State of Tamil Nadu,
Rep. by the Assistant Commissioner of Police,
Contonment Range,
Trichy.

2. The Inspector of Police,
Cantonment L&O Police Station,
Tiruchirappalli.

3. K.Nagaraj

... Respondents

Appeal filed under Section 14(A)(2) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 2015, as amended by Act 1 of 2016, to call for the records pertaining to the order passed in Crl.M.P.No. 873 of 2025 on the file of the learned 1st Additional District and Sessions Judge (PCR), Trichy dated 05.03.2025 and set aside the same as illegal and enlarge the appellant on bail by allowing the appeal.



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For Appellant : Mr.K.Sivabalan,
for M/s.Aran Legal Consultancy

For R1 and R2 : Mr.A.S.Abul Kalam Azad,
Government Advocate (Crl. Side)

For R3 : No appearance

JUDGMENT

The appellant/A6 was arrested on 15.01.2025 in connection with the case in Crime No.39 of 2025 on the file of the respondent Police for the offence under Sections 191(2), 191(3), 126(2), 296(b), 103(1), 351(3) of BNS Act 2023 r/w. 3(1)(r), 3(1)(s) and 3(2)(v) of SC/ST (POA) Act, 2015. He moved a bail petition before the I Additional District and Sessions Court (PCR), Trichy, in Crl.M.P.No.873 of 2025. But, the said petition was dismissed by the trial Court, by its order dated 05.03.2025. Challenging the same, the appellant has filed this appeal.

2. This Court, on 20.03.2025, ordered notice to the defacto complainant. The defacto complainant was also served and his name has also been printed in the cause list. However, there is no representation for the defacto complainant.



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3. The learned counsel appearing for the appellant submits that the appellant is a friend of A1 and there was a motive between the deceased and A1. He further submits that the deceased was an employee of A1 and he was not paid with wages. When A1 was consuming liquor in a TASMAL shop, the deceased questioned him that without paying his wages, he is taking liquor along with his friends. Enraged over the same, all the accused persons are said to have assaulted the deceased with hands. The appellant is said to have pushed the deceased down and also kicked him. The deceased also succumbed to the injuries. Therefore, this case was registered.

4. The learned Government Advocate (Crl. Side) submits that the accused persons have also used an iron rod to assault the deceased. However, the overt act attributed against the appellant is that he has pushed the deceased down and also kicked him along with other accused.

5. This Court considered the rival submissions and perused the materials placed on record.



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6. The appellant is the 6th accused. Even according to the prosecution, while he was consuming liquor along with A1, the deceased picked up quarrel with A1. All accused persons, who were in an inebriated condition, assaulted the deceased. The appellant is said to have assaulted the deceased with hands and also kicked him. Though the appellant is in jail for the past 70 days, the investigation has not been concluded so far. According to the learned Government Advocate (Crl. Side), a material portion of investigation is completed and CCTV footage, which has been recovered from the scene of occurrence, has to be certified by the Forensic Department.

7. Considering the period of incarceration and the overt act attributed as against the appellant and the stage of investigation, this Court is inclined to allow this appeal.

8. Accordingly, the Criminal Appeal is allowed and the order dated 05.03.2025, passed in Crl.M.P.No.873 of 2025, by the learned 1st Additional District and Sessions Judge (PCR), Trichy, is hereby set aside. The appellant is ordered to be released on bail on his executing a bond for a sum



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of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties, each for a

like sum to the satisfaction of the learned First Additional District and

Sessions Judge (PCR), Tiruchirappalli and on further condition that:

i) The appellant and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

ii) The appellant shall appear before the respondent Police daily twice, i.e. at morning between 10.30 a.m. and 12.00 noon and at evening between 5.00 p.m. and 7.00 p.m. He has to co-operate for the investigation.

iii) The appellant shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. He shall be available for the trial as well.

iv) On violation of any of the above conditions by the appellant, the respondent police shall move an application for cancellation of the bail.

26.03.2025

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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To

1. The I Additional District and Sessions Judge (PCR),
Tiruchirappalli.
2. The Assistant Commissioner of Police,
Contonment Range,
Trichy.
3. The Inspector of Police,
Cantonment L&O Police Station,
Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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