

IN THE COURT OF THE III ADDL DISTRICT COURT (PCR), MADURAI

PRESENT: Thiru.M. Thandavan, B.L.,
III Additional District and Sessions Judge (PCR),
(Full Additional Charge)
Madurai.

Tuesday the 15th day of September 2020

Cr.L.M.P.No. 477 / 2020

Cr. No. 1052 / 2020

Muthupandi

S/o. Velan

... Petitioner/ Accused No. 9

//vs//

State through Deputy Superintendent of Police,

Mathichiyam Police Station,

Madurai District.

(Cr. No. 1052 / 2020)

... Respondent/complainant.

This petition coming before me today for hearing in the presence of Thiru. K.M. Vivekananthan, Counsel for petitioner and of Thiru. S. Arivudainambi , Special Public Prosecutor for respondent and upon perusing the petition, objection, material papers on record and upon hearing the argument of both sides and having stood over for consideration, this court passed the following :

ORDER

1. This petition for bail U/s. 167(2) CrPC. Originally the FIR was registered for the offence U/s. 147, 148, 449, 294(b), 302 IPC and subsequently altered as the sections 147, 148, 449, 294(b) and 302 IPC and U/s 3(2)(v) of SC/ST Act. The case of the petitioner is that the FIR was registered on 08.06.2020 and the accused has been remanded on 13.06.2020. Therefore it is pointed out by the petitioner that 90 days has lapsed from the date of the remand of the petitioner and the petitioner is entitled to the statutory bail u/s.167(2) of CrPC. It is objected by the respondent that if the petitioner is released on bail, the petitioner would continue do to the same act.

The brother of the deceased namely one Arumugam is present before the court as the dependent of the deceased and objected that the complainant and the family of the deceased are under apprehension that the accused would commit the same offence if he is released on bail.

2. As per u/s. 167(2) of CrPC it is mandatory on part of this court to release the accused on bail if the charge sheet is not filed within 90 days from the date of the remand of the petitioner. Apparently 95 days has lapsed from the date of the remand of the petitioner. Still the charge sheet has not been filed by the investigating officer. Therefore the petitioner is entitled to the statutory bail u/s.167(2) CrPC. Absolutely there is no provision creating any bar for the release of the accused under the SC/ST Act. In the absence of any specific provision under the SC/ST Act creating bar in invoking u/s. 167(2) CrPC, it is mandatory on the part of this court to release the petitioner on bail. Therefore it is held that the petitioner is entitled to be released on bail.

3. In the result it is ordered that the petitioner / accused will be released on bail on executing own bond for Rs.10000/- each infavour of the Superintendent of the Central Prison, Madurai and the petitioner/accused is directed to appear before this court on or before 14.10.2020 by 10.00 a.m and also produce two sureties for a sum of Rs.10000/- each to the satisfaction of this court. Further the petitioner / accused is directed to appear before the concerned police station on every day at 10.00 a.m and sign without fail for one month.

Pronounced by me in open court this the 15th day of September 2020.

/Sd/ M. THANDAVAN
III Additional District & Sessions Judge(PCR)(FAC),
Madurai.

Copy to

1. The Superintendent, Centrail Prison, Madurai.
2. The Inspector of Police, Mathichiyam P.S(L&O)
- 3.. The petitioner / Accused through their counsel.