



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eleventh day of July Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP (MD) No.5519 of 2016
IN
CRL A (MD) No.249 of 2016

A.RATHINAVEL

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CR. NO.102/2013

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the sentence imposed by the Learned Principal Sessions Court Ramanathapuram District in Spl.S.C. No.102 of 2014 dated 13.6.2016 pending disposal of this appeal.

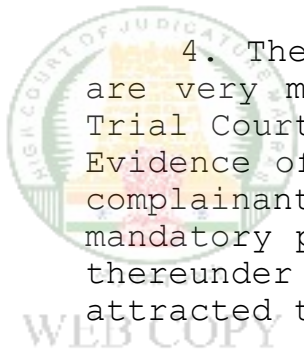
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S C.ARUL VADIVEL ALIAS SEKAR, Advocate for the petitioner and of Mr.P.Kandasamy, Government Advocate (Crl.Side) on behalf of the Respondent and the court made the following order:-

The sole accused in the Special Sessions Case in Spl.S.C.No.102 of 2014, on the file of the learned Special Judge under S.C. / S.T. (P.T) Act / Principal Sessions Judge, Ramanathapuram, while challenging his conviction and sentence, seeks appeal bail under Section 389 Cr.P.C.

2. In the said Court, he was convicted and sentenced as under:

Conviction	Sentence
Section 3(1)(x) of S.C. / S.T. (P.T) Act	1 Year R.I. + fine Rs.1,000/-, i/d 3 Months S.I.
Section 506(1) I.P.C.	1 Year R.I. + fine Rs.500/-, i/d 1 Month S.I.

3. Both sentences were directed to run concurrently. Fine amounts were paid.



4. The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court. The alleged place of occurrence is not a public place. Evidence of P.Ws.2 to 4 also establishes this aspect. The de facto complainant is not a member of Schedule Caste. In this case, the mandatory provisions of S.C. / S.T. (P.T.) Act and the Rules framed thereunder have been violated. Section 3(1)(x) of the Act is not attracted to this case. There is prima facie case in his favour.

5. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced the Trial Court has rightly convicted and appropriately sentenced the petitioner. There is no prima facie case in his favour.

6. In the facts and circumstances, perusing the impugned judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this Criminal Appeal. They are required to be examined in detail at the main Criminal Appeal. Further, it will take some time for the disposal of this Criminal Appeal. Further, the petitioner was on bail in the Trial Court. I see prima facie case in favour of the petitioner. I am inclined to grant him appeal bail.

7. Ordered as under:

(i) Appeal bail granted.

(ii) His sentence of imprisonment alone is suspended.

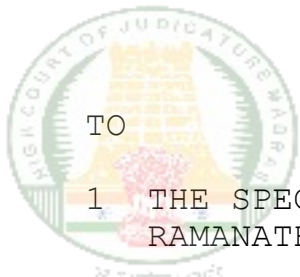
(iii) There shall be two sureties, they and the petitioner shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the learned Judicial Magistrate, Mudukulathur, Ramanathapuram District.

(iv) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-
11/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

- 1 THE SPECIAL JUDGE UNDER SC/ST (P.T) ACT/PRINCIPAL SESSIONS JUDGE,
RAMANATHAPURAM DISTRICT, @ RAMANATHAPURAM.
- 2 THE JUDICIAL MAGISTRATE, MUDUKULATHUR.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.

+1. C.C. to M/S C.ARUL VADIVEL ALIAS SEKAR Advocate SR.No.35644

krk

JM/SK-SKN/SAR-I/12.07.2016/3P-6C

ORDER

IN

CRL MP (MD) No.5519 of 2016

IN

CRL A (MD) No.249 of 2016

Date :11/07/2016