



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Cr1.A. (MD)No.149 of 2017

1.Nagarajan

2.Ramachandran

.. Petitioners/Accused Nos.1&2

Vs.

State rep. by

The Deputy Superintendent of Police

Sivagangai Range,

Sivagangai Taluk Police Station,

(Crime No.32 of 2017)

.. Complainant/ Respondent

Prayer: This Criminal Appeal is filed under Section 14 (2) of SC/ST (POA) Act, 2015 to allow this appeal and to enlarge the petitioner on bail in Crime NO.32 of 2017, on the file of the respondent police.

For Petitioners

: Mr.R.Balamuruganantham

For Respondent

: Mr.A.P.Balasubramanian

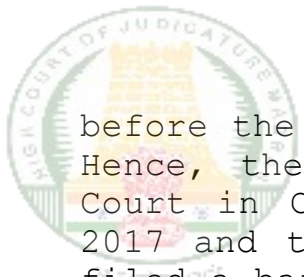
Government Advocate (Cr1.Side)

JUDGMENT

The Criminal Appeal has been filed to enlarge the petitioners/accused Nos.1 and 2 on bail in connection with the case in Crime No.32 of 2017 for the offences under Sections 294(b) and 323 of IPC read with Section 3(1)(r) and Section 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, and Section 3 of TNPPDL Act, 1992, on the file of the respondent police.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Cr1. Side) for the respondents and perused the materials placed before this Court.

3.Earlier, the petitioners have filed a petition before this Court seeking a direction to direct the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA)Act, 1989, Sivagangai, to accept the surrender of the petitioners/accused Nos.1 and 2 in Crime No.32 of 2017 on the file of the respondent and to dispose of their bail application on the same day itself in Cr1.O.P.1436 of 2017 and the same was allowed on 09.02.2017. Due to inadvertence, they could not surrender



before the trial Court within the period stipulated by this Court. Hence, the petitioners filed the extension petition before this Court in Crl.M.P.(MD).No.2754 of 2017 in Crl.O.P.(MD).No.1436 of 2017 and the same was also allowed. Subsequently, the petitioner filed a bail petition along with the surrender petition before the Sessions Court, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai, on 08.05.2017 and the same was dismissed on 08.05.2017 and hence, they were arrested on the same day. Therefore, the petitioners have filed the present Criminal Appeal.

4.The learned Government Advocate (Crl.Side) strongly objected the grant of bail to the petitioners.

5.Considering the facts and circumstances of the case and that the period of incarceration, this Court is inclined to grant bail to the petitioners. Accordingly, **the petitioners are ordered to be released on bail** subject to the following conditions:

- (i) each of the petitioners shall execute 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 Judicial Magistrate No.2, Sivagangai, Sivagangai District;
- (ii) the petitioners are directed to appear before the respondent police daily at 10.30 a.m. until further orders;
- (iii) the petitioners shall not tamper with the evidence or witness during either investigation or trial;
- (iv) the petitioners shall not abscond either during investigation or trial;
- (v) on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the 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]**.

Sd/-
Vacation Officer

/True copy/

Sub Assistant Registrar

To:

1. The Deputy Superintendent of Police,
Sivagangi Range, Sivagangai Taluk Police Station,
Sivagangai District.



2.The Sessions Judge,
Special Court for Exclusive Trial of Cases under
SC/ST (POA) Act 1989,
Sivagangai.

3.The Superintendent, Sub Jail, Sivagangai.

4.The Judicial Magistrate No.2, Sivagangai, Sivagangai District

5.The Inspector of Police, Sivagangai Taluk Police Station,
Sivagangai.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate, SR No. 22346

PJL

PSM/RSK/SAR3/19.05.2017/3P/8C

Cr1.A. (MD) No.149 of 2017
18.05.2017