



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2017

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl A(MD)No.204 of 2017

Pattaiah

...Appellant/Petitioner

Vs.

1)The State rep., by
The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No.510/1997)

...Respondent/Respondent

2)K.Chandran

...Respondent/De-facto Complainant

PRAYER: Criminal Appeal filed under Section 14-A(2) of SC/ST (POA) Amendment Act, 2015 to set aside the order made in Crl.M.P.(MD) No.1497 of 2017 dated 22.06.2017 on the file of Hon'ble Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act 1989, Sivagangai and thereby release the appellant on bail in S.C.No.270 of 2009 on the file of the Hon'ble Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act 1989, Sivagangai.

For Appellant : Mr.D.Sadiq Raja
For Respondent : Mr.C.Ramesh,
Additional Public Prosecutor

ORDER

The appellant/1st accused, who was arrested and remanded to judicial custody on 02.06.2017, for the alleged offences punishable under Sections 147, 148, 323, 324 IPC and 3(1)(x) of SC/ST (POA) Act in S.C.No.270 of 2009 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act 1989, Sivagangai, seeks bail.

2. Heard Mr.D.Sadiq Raja, learned counsel appearing for the appellant/accused and Mr.C.Ramesh, learned Additional Public Prosecutor appearing for the State.

3. The case of the prosecution is that the appellant/accused herein caused riots and attacked the defacto-complainant namely, K.Chandran with deadly weapons. Based on the complaint given by the defacto-complainant namely, K.Chandran the present case has been registered.



4. The learned Additional Public Prosecutor submitted that the appellant abscond himself for seven years and he was secured only on 02.06.2017, after the execution of Non-Bailable Warrant issued against him. The learned Additional Public Prosecutor apprehended that if the appellant was released on bail, again he will abscond himself by flew to foreign country.

5. The learned counsel for the appellant submitted that he is ready to abide any condition, including surrendering his passport before the Court where the case is pending trial.

6. Taking note of the facts and circumstances, this Court is of the opinion that in spite of detaining the appellant in prison, he may be released on bail with stringent condition to enable to Trial Court to complete the trial as early as possible.

7. The Trial Court is directed to take up the matter on a priority basis and dispose the matter at the earliest.

8. Accordingly, the appellant is ordered to be released on bail, subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act 1989, Sivagangai.

(ii) the petitioner shall surrender his passport to the Special Court, where the case is pending.

(iii) the petitioner shall report before the Court concerned daily at 10.30 a.m., till the disposal of the trial.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

(vi) On breach of any of the aforesaid conditions, the learned 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 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].



9. This Criminal Appeal is ordered accordingly.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar.

To

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER SC/ST(POA) ACT, SIVAGANGAI.
2. THE JUDICAIL MAGISTRATE NO.I,
SIVAGANGAI.
3. THE SUPERINTENDENT OF PRISION,
SIVAGANGAI SUB JAIL,
SIVAGANGAI.
4. THE INSPECTOR OF POLICE
MANAMADURAI POLICE STATION, SIVAGANGAI DISTRICT,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1CC to M/S.D.Sadiq Raja, Advocate, SR.No. 25488

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30.06.2017

gk

AM/SV MMS/SAR 1/30.06.2017/2P/7C