



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2017

CORAM:

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THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Cr1.A(MD)No.263 of 2017

Parthiban : Appellant/Accused No.1

Vs.

1.The Deputy Superintendent of Police,
Mukkudal.

2.The Inspector of Police,
Mukkudal Police Station,
Mukkudal.

(Crime No.41 of 2013) : Respondents/Complainants

Prayer: Criminal Appeal filed under Section 14 A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1/2016 to call for the records in Cr.M.P.No.1668 of 2017 in S.C.No.134 of 2016 and allow the appeal by setting aside the order passed by the Learned II Additional District Session Judge, Tirunelveli in Cr.M.P.No.1668 of 2017 in S.C.No.134 of 2016 dated 05.07.2017 and enlarge the petitioner on Bail and also pass appropriate order.

For Appellant :Mr.R.Ramachandran

For Respondent :Mr.A.Ramar

Additional Public Prosecutor(Crl. Side)

JUDGMENT

This Criminal Appeal has been filed praying to call for the records in Cr.M.P.No.1668 of 2017 in S.C.No.134 of 2016 and allow the appeal by setting aside the order passed by the Learned II Additional District Session Judge, Tirunelveli in Cr.M.P.No.1668 of 2017 in S.C.No.134 of 2016, dated 05.07.2017 and enlarge the appellant on Bail.

2. The appellant, who was arrested and remanded to judicial custody on 01.07.2017, for the offences punishable under Sections 3(1)(x) of SC/ST(POA) Act, in Crime No.41 of 2013, on the file of the respondent police, seeks bail.



3. The case of the prosecution is that the appellant in S.C.No.134 of 2016 was absent on 09.11.2016 before the Learned Additional District Session Judge, Tirunelveli and hence, Non Bailable Warrant was issued against the appellant and he was arrested subsequently and he is in judicial custody from 01.07.2017 onwards.

4. The learned counsel appearing for the appellant states that due to illness of the appellant, he was unable to appear before the concerned Court and his non-appearance before the Court is neither willful nor wanton.

5. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the appellant herein is arrayed as A1 in this case, which is pending as S.C.No.134 of 2016 on the file of Learned II Additional District Session Judge, Tirunelveli. Since the appellant was absent on 09.11.2016 before the concerned Court, Non Bailable Warrant was issued to the appellant and he is in judicial custody from 01.07.2017 onwards.

6. Considering the above facts and circumstances of the case, this Court is inclined to allow the appeal. Accordingly, this Criminal Appeal is allowed by setting aside the order in Cr.M.P.No.1668 of 2017 in S.C.No.134 of 2016 passed by the Learned II Additional District Session Judge, Tirunelveli in Cr.M.P.No.1668 of 2017 in S.C.No.134 of 2016, dated 05.07.2017 and the appellant is granted bail, of course, subject to certain conditions.

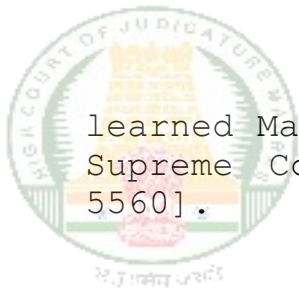
7. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the Learned II Additional District and Session Judge, Tirunelveli District, and on further condition that:

[a] the appellant shall report before the II Additional District and Session Judge, Tirunelveli District, daily at 10.30 a.m., until further orders.

[b] the appellant shall not tamper with evidence or witness either during investigation or trial.

[c] the appellant shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Judge/Judge (M.J.J.) Court is entitled to take appropriate action against the appellant in accordance with law, as if the conditions have been imposed and the appellant 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].

sd/-

24/07/2017

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

To

1.THE II ADDITIONAL DISTRICT AND SESSION JUDGE,
TIRUNELVELI DISTRICT.

2.THE DEPUTY SUPERINTENDENT OF POLICE,
MUKKUDAL.

3.THE INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION,
MUKKUDAL.

4.THE SUPERINTENDENT,CENTRAL PRISON,
PALAYAMKOTTAI.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO Mr.R.Ramachandran, Advocate, Sr No.27148

Cr1.A.(MD)No.263 of 2017
24.07.2017

MS/PM-PN/SAR.3/25.07.2017/2P.7C