



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Cr1.A.(MD)No.405 of 2017

Maruthaiah @ Gilli

... Appellant

Vs.

1.The State Rep.by

The Inspector of Police,
Alangulam Police Station,
Thirunelveli District.
Crime No.278 of 2016

... Respondent

PRAYER: The Petition filed under Section 14-A(2) of SC / ST Act, to admit this appeal filed by the appellant and set aside order in Cr.M.P.2087 of 2017, dated 23.08.2017 passed by the learned II Additional Session Judge PCR Court, Tirunelveli against the appellant consequently enlarge the appellant on bail in connection with Crime No.278 of 2016 on the file of the respondent Police station.

For Appellant : Mr.S.Moorthy
For Respondent : Mr.T.Mohan, APP

JUDGMENT

The appellant, who was arrested on 20.01.2017 for the offence punishable under Sections 294(b), 506(ii) of IPC and Sections 3 and 4 of TNPPDL Act @ 294(b), 506(ii) of IPC and Sections 3 and 4 of TNPPDL Act and 3(2) (iv) and 3(1) (10) of SC/ST (PoA) Amendment Act 2015 in Crime No.278 of 2016 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the victim is being the member of the schedule caste community and the appellant and the other accused said to have abused the de facto complainant and damaged the household articles worth about to Rs.10,000/-. After that occurrence, the victim left from that village and residing at Coimbatore along with her family members.

3.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally



there are 2 accused in this case and the appellant herein is arrayed as A2. He further submitted that all the accused were arrested and the appellant was arrested on 20.01.2017. He also submitted that the investigation is still pending since community certificate is to be obtained from the accused as well as the complainant in this case.

4.The learned counsel for the appellant submitted that the appellant is falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He further submitted that bail petition moved before the II Additional Session Judge PCR Court Tirunelveli was dismissed and against that dismissal order, as per SC/ST Act, the petitioner preferred the present appeal, for setting aside the said order and grant of bail.

5.The learned counsel for the appellant voluntarily agrees to deposit a sum of Rs.5,000/- to the credit of Crime No.278 of 2016 before the II Additional Session Judge PCR Court, Tirunelveli without prejudice to his contention towards the alleged damage caused to the household articles of the victim.

6.Considering the facts and circumstances of the case and also considering the fact that the learned counsel for the appellant voluntarily agrees to deposit a sum of Rs.5,000/- to the credit of Crime No.278 of 2016 before the II Additional Session Judge PCR Court, Tirunelveli without prejudice to his contention and also the period of incarceration of the petitioner from 20.01.2017 onwards, this Court is inclined to grant bail. Accordingly, the Criminal appeal is allowed and the appellant is ordered to be enlarged on bail subject to the following conditions:-

[a] The appellant 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 II Additional Session Judge PCR Court, Tirunelveli.

[b]the appellants shall report before the respondent Police, daily at 10.30 a.m., until further orders.

[c] The appellant is directed to deposit a sum of Rs.5,000/- to the credit of Crime No.278 of 2016 before the II Additional Session Judge PCR Court, Tirunelveli without prejudice to his contention.



[d] the appellants shall not tamper with evidence or witness either during investigation or trial.

[e] the appellants shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellants in accordance with law, as if the conditions have been imposed and the appellants 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/-
Assistant Registrar (ADII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Inspector of Police,
Alangulam Police Station,
Thirunelveli District.
Crime No.278 of 2016
- 2.The II Additional Sessions Judge,
PCR Court, Tirunelveli
- 3.The Central Prison, Palayamkottai,
Tirunelveli District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

gns
RL/5C/3P/SV/MMS/SAR1/27/10/2017

Cr1.A. (MD) No.405 of 2017