



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Cr1.A.(MD)No.453 of 2017

Ayyappan

... Appellant/Petitioner

Vs.

1.State rep by

Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District.
(Crime No.489 of 2017)

...1st Respondent/Complainant

2.Sugumaran

...2nd Respondent/De-facto Complainant

PRAYER: The Appeal filed under Section 14-A(2) of SC / ST Act, to set aside order in Cr.M.P.2349 of 2017, dated 02.11.2017 passed by the learned I Additional District Sessions Judge (PCR), Thanjavur and enlarge the appellant on bail in Crime No.489 of 2017 dated 22.10.2017 on the file of the 1st respondent.

For Appellant : Mr.S.R.A.Ramachandhran

For Respondent : Mr.T.Mohan, APP

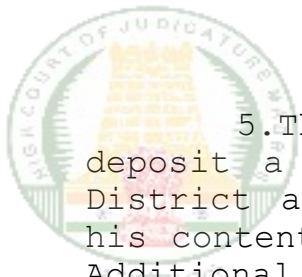
JUDGMENT

The appellant, who was arrested on 23.10.2017 for the offence punishable under Sections 450, 307 IPC., and Section 3(1) of TNPPDL Act and Section 3(1) (r), 3(2)(v)(a) of SC/ST POA Amendment Act, 2015, in Crime No.489 of 2017 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that due to a dispute, the appellant said to have damaged the window glasses of the house of the de facto complainant worth about to Rs.30,000/-.

3.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that the appellant herein is the sole accused in this case. He further submitted that the appellant was arrested on 23.10.2017 and he is in custody and the investigation is still pending.

4.The learned counsel for the appellant submitted that the appellant herein is a practicing advocate in Madras High Court and the identity card as well as the provisional certificate is produced to that effect and no one was injured in the alleged occurrence.



5. The learned counsel for the appellant voluntarily agrees to deposit a sum of Rs.10,000/- to the credit of the I Additional District and Sessions Judge (PCR), Thanjavur without prejudice to his contention towards the alleged damages as stated by the learned Additional Public Prosecutor.

6. Considering the facts and circumstances of the case and also considering the alleged overtact of the appellant herein and the undertaking given by the learned counsel for the appellant, depositing a sum of Rs.10,000/- to the credit of the I Additional District and Sessions Judge (PCR), Thanjavur, without prejudice to his contention in this case and also the period of incarceration of the appellant from 23.10.2017 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 I Additional District and Sessions Judge (PCR), Thanjavur.

[b] the appellant shall report before the concerned Court, daily at 10.30 a.m., until further orders.

[c] the appellant is directed to deposit a sum of Rs.10,000/- to the credit of Crime No.489 of 2017 before the learned I Additional District and Sessions Judge (PCR), Thanjavur without prejudice to his contention.

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

[e] the appellant 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 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/-

Assistant Registrar

/True Copy/



To

1. The I Additional District Sessions Judge (PCR),
Thanjavur.

2. The Superintendent, Central Prison, Trichy.

3. The Inspector of Police,
Thiruthuraipoondi Police Station.
Thiruvarur District.

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

+1CC to Mr.S.R.A.Ramachandran, Advocate, SR.No. 86738

Cr1.A. (MD) No.453 of 2017
13.11.2017

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AM/SKN RSK/SAR 1/17.11.2017/3P/6C