



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CrI.A. (MD) No.139 of 2018

Thirumanirajan

: Appellant/ Accused-4

Vs.

State rep. by the Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
(Cr.No.223 of 2017)

: Respondent/ Complainant

PRAYER: Criminal Appeal is filed under Section 14-A(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order passed in Cr.M.P.No.567 of 2018 on the file of the learned Second Additional District and Sessions Judge, Tirunelveli and enlarge the appellant on bail in Crime No.223 of 2017 pending investigation on the file of the respondent police.

For Appellant

: Mr.A.K.Manickam

For Respondent

: Mrs.S.Bharathi,

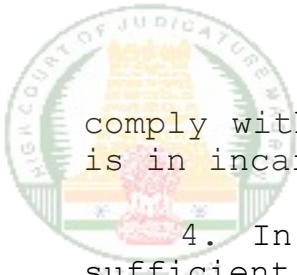
Government Advocate (CrI.side)

JUDGMENT

The respondent police registered a case in Crime No.223 of 2017 under Sections 147, 294(b), 323, 324, 506(ii) of the Indian Penal Code and Sections 3(1)(r), 3(1)(s) and 3(2)(Va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 and arrested the appellant on 05.06.2017. The appellant filed Cr.M.P.No.1570 of 2017 before the learned Second Additional District and Sessions Judge, Tirunelveli for bail and he was granted interim bail on 23.06.2017 on certain conditions. Since the appellant did not comply with those conditions, Non-bailable Warrant was issued against him and he was arrested on 31.12.2017 and remanded to judicial custody. The appellant filed a fresh application in Cr.M.P.No.567 of 2018, which has been dismissed by the Special Court on 21.02.2018, challenging which, the present Criminal Appeal has been filed.

2. Heard Mr.A.K.Manickam, learned counsel for the appellant and Mrs.S.Bharathi, learned Government Advocate (Criminal side) for the respondent.

3. The fact remains that the appellant was initially arrested on 05.06.2017 and he was released on 23.06.2017. Since he did not



comply with the conditions, he was again arrested on 31.12.2017 and is in incarceration till date.

4. In the opinion of this Court, the appellant has suffered sufficient punishment by being in incarceration from 31.12.2017 to this date for his failure to comply with the earlier conditions imposed by the Court below.

5. In fine, the Criminal Appeal is allowed and the Appellant/Accused No.4 is ordered to be released on bail, subject to the following conditions:

- (i) the appellant / accused No.4 shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Second Additional District and Sessions Judge, Tirunelveli;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Second Additional District and Sessions Judge, Tirunelveli, may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellant / accused No.4 shall stay at Madurai and sign before the learned Judicial Magistrate No.I, Madurai, every day at 10:30 a.m., and 05.00 p.m., for a period of one month and thereafter, as and when required by the respondent police for interrogation.
- (iv) the appellant/accused No.4 shall not enter Thoothukudi District for a period of one month;
- (v) If the appellant/accused No.4 does not comply with the conditions, the learned Judicial Magistrate No.I, Madurai, is directed to send a report to the learned Second Additional District and Sessions Judge, Tirunelveli, who shall take steps to cancel the bail.
- (vi) the appellant / accused No.4 shall not tamper with evidence or witness either during investigation or trial.
- (vii) the appellant / accused No.4 shall not abscond either during investigation or trial.



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(viii) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant / accused No.4 in accordance with law as if the conditions have been imposed and the appellant / accused No.4 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(CS-III)

/True copy/

Sub Assistant Registrar

To

1.The Second Additional District and Sessions Judge,
Tirunelveli.

2. The Judicial Magistrate No.I, Madurai.

3. The Superintendent, Central Prison, Playamkottai.

4.The Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.

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

+1CC TO M/S.A.K.MANICKAM, ADVOCATE, SR NO.56797

Judgment made in
Crl.A.(MD)No.139 of 2018
21.03.2018

SML

MS/SKN-RSK/SAR-1/22.03.2018/3P.7C