



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **R.THARANI****Cr1.A.(MD)No.160 of 2018**

WEB COPY

Iyyappan

: Appellant / Petitioner

Vs.

The State Represented by
The Sub-Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
(Cr.No.531/2015)

: Respondent / Respondent

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016, to set aside the order made in Cr1.M.P.(MD). No.194 of 2018 dated 23.01.2018 on the file of the II Additional District & Sessions Court, Tirunelveli and thereby release the appellant on bail in PRC.No.33 of 2016 on the file of the Judicial Magistrate Court No.IV, Tirunelveli .

For Appellant : Mr.P.R.Prithiviraj

For Respondent : Mr.Suyambulinga Bharathi
Government Advocate (Cr1 Side)

JUDGMENT*********

On the complaint lodged by one Rajkumar, the respondent police registered a case in Crime No.531 of 2015 for the offences under Sections 341, 307, 302 and 506(ii) IPC and subsequently the same was altered into one for the offences under Sections 147, 148, 341, 307, 302 and 506(ii) IPC r/w Section 3(1)(2)(V) and 3(1)(X) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the appellant herein. The appellant was granted interim bail by the learned Second Additional District and Sessions Judge, Tirunelveli in Cr.MP.No.1044 of 2016 dated 23.05.2016 subject to the condition that the appellant should report before the Resident Medical Officer, Trichy Government Hospital daily twice at 10.00 am and 05.00 pm. But the appellant did not comply with the said condition. Subsequently, the interim bail was cancelled and non bailable warrant was issued on 24.06.2016, aggrieved by which, this Criminal Appeal has been filed.



2. Heard the learned counsel appearing for the appellant and the learned Government Advocate (Crl Side) appearing for the respondent.

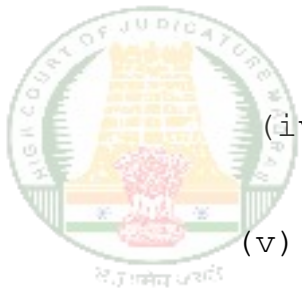
3. The learned counsel appearing for the appellant stated that the occurrence took place in the year 2015. On completion of investigation, charge sheet was filed and the same was taken on file as PRC.No.33 of 2016 by the learned Judicial Magistrate Court No.IV, Tirunelveli. Since the appellant was jumped out of the bail and therefore non bailable warrant was issued against him. The learned counsel for the appellant further stated that the appellant is in custody for the past 153 days and the other accused are already in bail.

4. The learned Government Advocate (Crl Side) appearing for the respondent submitted that the appellant was released on interim bail on conditions but the appellant did not comply with the conditions.

5. Admittedly, the appellant was released on interim bail and later, non bailable warrant was issued on 24.06.2016. The appellant voluntarily surrendered before the Judicial Magistrate Court No.IV, Tirunelveli on 04.11.2017 and was remanded to judicial custody. All along the appellant is in custody almost for 153 days. Therefore, this Court is of the view that it will be in the interest of justice, if bail is granted to the appellant, however, subject to certain conditions.

7. In fine, the Criminal Appeal is allowed and the Appellant/Accused is ordered to be released on bail, subject to the following conditions:

- (i) appellant / accused shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned II Additional District & Sessions Court, Tirunelveli.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned II Additional District & Sessions Court, Tirunelveli, may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellant / accused shall report before the respondent police at Police Station twice a day daily at 10:30 a.m., in the morning and 05:30 p.m., in the evening for a period of four weeks and thereafter, as and when required by the respondent police for interrogation.



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

(v) the appellant / accused 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 appellant / accused in accordance with law as if the conditions have been imposed and the appellant / accused 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(CO)

/True Copy/

Sub Assistant Registrar

To

1. The II Additional District & Sessions Court, Tirunelveli,
2. The Sub-Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc TO Mr.P.R.Prithiviraj , Advocate in SR No. 60191

tsg

AE/SV MMS/SAR1/13.04.2018/3P/5C

Judgment made in
Cr1.A. (MD)No.160 of 2018

Dated:-
06.04.2018