



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.04.2018

CORAM:

THE HONOURABLE MRS. JUSTICE R. THARANI

Cr1.A.(MD)No.206 of 2018

Iyappan

... Appellant/Accused No.1

Vs.

1.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.

2.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
Crime No.51 of 2015

3.Sumathi

... Respondents/Complainants.

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1/2016, to call for the records pertaining to the order Cr.M.P.No.1186 of 2018 on the file of the II Additional District and Sessions Judge, Tirunelveli and set aside the same and enlarge the appellant on bail.

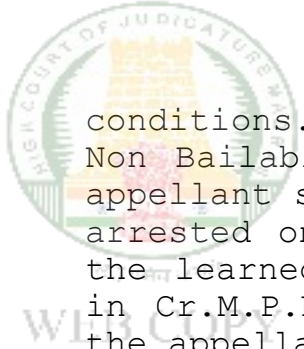
For Appellant	: Mr.R.Shankar Ganesh
For Respondents 1 and 2	: Mr.K.Suyambu Linga Bharathi, Government Advocate (Cr1. Side)

JUDGMENT

Heard Mr.R.Shankar Ganesh, learned counsel appearing for the appellant and Mr.K.Suyambu Linga Bharathi, learned Government Advocate (Cr1. Side) appearing for the respondent.

2.This appeal has been filed against the order passed in Cr.M.P.No.1186 of 2018 dated 23.04.2018 on the file of the II Additional District & Sessions Court, Tirunelveli and thereby releasing the appellant on bail.

3.The alleged offence against the appellant is that on 01.03.2015, the appellant and others attacked the deceased person, who is a member of scheduled caste community and caused his death. This appellant was already released on bail as per the orders passed by the learned II Additional District and Sessions Judge, Tirunelveli, in Cr.M.P.No.908 of 2015 dated 20.05.2015 on certain



conditions. The appellant did not comply with the order and thus, Non Bailable Warrant was issued against him on 04.08.2015 and the appellant surrendered in another case and afterwards he was formerly arrested on 17.11.2017. The appellant filed a bail petition before the learned II Additional District and Sessions Judge, Tirunelveli in Cr.M.P.No.1186 of 2018 which was dismissed. Against the order, the appellant has preferred this appeal.

4.On the side of the appellant, it is stated that the name of the appellant was not found in the FIR and his name was impleaded in the case only based on the confession of the co-accused. It is further stated that the appellant was not able to comply the condition due to some family problems. Hence, Non Bailable Warrant was issued against him. The appellant voluntarily surrendered before the Court in some other case and ready to comply with any condition imposed by this Court. It is further stated that the co-accused was already released on bail by this Court in similar case. The appellant is still in custody from 07.11.2017.

5.On the side of the respondent, it is stated that the appellant is A1 in the case and the appellant has murdered a member of scheduled caste and the offence is grave in nature. Interim order has already been granted to the appellant and he has not complied with the condition and hence, Non bailable warrant was issued against him on 04.08.2015. But the appellant surrendered in some other case on 04.11.2017. The petitioner has not take any steps to surrender in this case. In between this period, on 17.11.2017, the appellant was arrested on P.T. Warrant and he opposed to grant bail to the appellant.

6.Records perused. The appellant is in custody for the past four months. It is stated that the appellant is having valid reasons to consider the appeal. In such circumstances, the Criminal Appeal is allowed and the Appellant is ordered to be released on bail, subject to the following conditions:

(i) the appellant 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 and Sessions Judge, Tirunelveli District;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned II Additional District and Sessions Judge, Tirunelveli District may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.



Police Station once a day daily at 10:30 a.m., in the morning for a period of four weeks and thereafter, as and when required by the respondent police for interrogation.

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

(v) the appellant 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 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(C.O.)

/True Copy/

Sub Assistant Registrar

To

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

2.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.

3.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.

4.The Superintendent, Central Prison, Palayamkottai.

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

+1CC to Mr.R.Shankar Ganesh, Advocate, SR.No. 64732

CrI.A. (MD) No.206 of 2018
28.04.2018