



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2018

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.A.(MD)Nos.210, 211 and 214 of 2018

Crl.A(MD).No.210 of 2018

Suresh : Appellant/ Petitioner/ 1st Accused

Vs.

State rep by
The Inspector of Police,
Deverkulam Police Station,
Tirunelveli District.
(Crime No.179 of 2017)

: Respondent/ Respondent/ Complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 2015, to call for the records pertaining to the order dated 23.04.2018 made in Cr.M.P.No.1093 of 2018 on the file of the II Additional District & Sessions Judge, Tirunelveli and set aside the same and enlarge the appellant on bail in connection with Crime No.179 of 2017 on the file of the respondent by allowing this criminal appeal.

For Appellant : Mr.D.Venkatesh
For Respondent : Mr.Suyanbulinga Bharathi
Government Advocate (Crl.side)

Crl.A(MD).No.211 of 2018

Muthamil Selvam : Appellant/ Petitioner

Vs.

State rep by
The Inspector of Police,
Deverkulam Police Station,
Tirunelveli District.
(Crime No.179 of 2017)

: Respondent/ Respondent

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 2015, to call for the records pertaining to the order passed by the learned II Additional Sessions Judge, Tirunelveli for bail in Cr.M.P.No.959 of 2018 dated 11.04.2018 and to set aside the same and to enlarge the appellant on bail in Crime No.179 of 2017 on the file of the respondent.



For Appellant : Mr.K.Navaneetharaj
For Respondent : Mr.Suyanbulinga Bharathi
Government Advocate (Crl.side)

Crl.A(MD).No.214 of 2018

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1.Natarajan
2.Maruthapandian @ Ochi Manohar : Appellants/ Accused No. 3 & 4

Vs.

1.State rep by
The Deputy Superintendent of Police,
Tirunelveli,
Tirunelveli District.

2.The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(Crime No.179 of 2017)

3.Mallika : Respondents/ Complainants

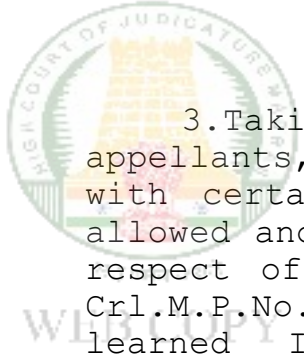
PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act, 1989, to call for the entire records pertaining to the order passed by the learned II Additional Sessions Judge, Tirunelveli in Crl.M.P(MD). No.993 of 2018 dated 11.04.2018 and set aside the same and consequently enlarge the appellants on bail in connection with the case in Crime No.179 of 2017 on the file of the Inspector of Police, Devarkulam Police Station, Tirunelveli District.

For Appellants : Mr.R.Anand
For R-1 & R-2 : Mr.Suyambulinga Bharathi
Government Advocate (Crl side)

COMMON JUDGMENT

Heard the learned counsel on either side.

2.The appellants are in judicial custody since 31.12.2017 for the offence under Sections 109, 294(b), 302, 506(ii), 120(b) IPC and Sections 3(1)(r), 3(1)(s), 3(2)(Va) of the Scheduled Caste of Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No. 179 of 2017. The occurrence took place on 26.12.2017 and final investigation was over and a charge sheet has also been filed. The appellants in Crl.A(MD).No.210 of 2018 and Crl.A(MD).No.214 of 2018 are not having any previous case. However, the appellant in Crl.A(MD).No.211 of 2018 is having two previous cases. But, it is very minor in nature and for that, incarceration has already been undergone by him.



3. Taking note of nature of the allegations made against the appellants, this Court is inclined to enlarge the appellants on bail with certain conditions. Accordingly, these Criminal Appeals are allowed and the orders dated 23.04.2018, 11.04.2018, 11.04.2018 in respect of in Cr.M.P.No.1093 of 2018, Cr.M.P.No.959 of 2018 and Crl.M.P.No.993 of 2018 in Crime No.179 of 2017 passed by the learned II Additional Sessions Judge, Tirunelveli, are set aside and the appellants are ordered to be released on bail, subject to the following conditions;

(i) the appellants/accused in Crl.A.(MD)Nos.210, 211 and 214 of 2018 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, with two sureties, each for a like sum to the satisfaction of the learned II Additional District & Sessions Judge, Tirunelveli, learned II Additional Sessions Judge, Tirunelveli and learned Judicial Magistrate No.III, Tirunelveli District respectively.

(ii) the appellants/accused are directed to appear before the respondent police as and when required for interrogation.

(iii) the appellants/ accused shall not abscond.

(iv) on breach of any of the aforesaid conditions, the 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 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-II)

/True copy/

Sub Assistant Registrar

To

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

2. The Judicial Magistrate No.III,
Tirunelveli District

3. The Deputy Superintendent of Police,
Tirunelveli,
Tirunelveli District.

4. The Inspector of Police,
Devaikulam Police Station,
Tirunelveli District.



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

6. The Superintendent, Central Prison,
Palayamkottai, Tirunelveli.

+1CC TO Mr.R.Anand, Advocate, Sr No.64032

+1CC TO Mr.D.Venkatesh, Advocate, Sr No.7629

+1CC TO Mr.K.Navaneetharaj, Advocate, Sr No.7705

Crl.A. (MD) Nos.210, 211 and
214 of 2018
27.04.2018

rmk/lis

MS/SV-MMS/SAR-4/28.04.2018/4P.10C