



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.05.2018

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Cr1.A.(MD)No.227 of 2018

Sivasubbu ...Appellant/Accused No.3

Vs.

1.The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli. ...Respondent/Complainant.

2.The State Represented by
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District,
(Crime No.88 of 2018)

3.Sudalaikannu ... Respondent/Defacto
Complainant.

PRAYER: The Petition filed under Section 14-A (2) of the SC & ST (POA) Act, 2015 as amended by Act 1 of 2016 to call for the entire records pertaining to the order passed by the learned II Additional Sessions Judge, (PCR), Tirunelveli in Cr.M.P.No.1008 of 2018 dated 16.04.2018 and set aside the same and consequently enlarge the appellant on bail in connection with the case in Crime No.88 of 2018 on the file of the Inspector of Police, Tirunelveli Town Police Station, Tirunelveli.

For Appellant : Mr.A.Sivasubramanian
For Respondents : Mr.Asokan, GA.
1 and 2

JUDGMENT

This Criminal Appeal has been filed to call for the entire records pertaining to the order passed by the learned II Additional Sessions Judge, (PCR), Tirunelveli in Cr.M.P.No.1008 of 2018 dated 16.04.2018 and set aside the same and consequently enlarge the appellant on bail.

2.The learned counsel for the appellant is present. Mr.Asokan, learned, Government Advocate takes notice for the respondents 1 and 2 herein. Heard both sides.

3. The present Criminal Appeal is preferred against the order passed by the learned II Additional Sessions Judge, (PCR),

Tirunelveli in Cr.M.P.No.1008 of 2018 dated 16.04.2018

4.The offence against the appellant is that he has waylaid the defacto complainant and attempted to murder him and insulted him. The case was registered under Sections 147, 148, 341, 323, 324, 307 and 506(ii) of IPC and Section 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST(POA) Amendment Act 2015 @ 341, 323, 324, 307, 506(ii) IPC r/w Sections 3(1)(r)(s), 3(2)(Va) of SC/ST(POA) Amendment Act 2015 as against the appellant.

5.On the side of the appellant it is stated that the appellant is innocent and he has not committed any offence and he has been falsely implicated in the case and the injured was discharged from the hospital. The appellant is in custody for from 25.03.2018. Hence, it is prayed that the appellant is to be released on bail.

6.On the side of the respondents it is stated that it is an attempt to murder case and the defacto complainant sustained serious head injury and the remaining accused are yet to be arrested.

7.The allegation against the appellant is that he has conspired to murder the defacto complainant, there is no specific overt act against the petitioner in the commission of the offence.

8.In the result, this Criminal Appeal is allowed, the order dated 16.04.2018 by the learned II Additional Sessions Judge, (PCR), Tirunelveli in Cr.M.P.No.1008 of 2018 is set aside and the appellant is ordered to be released on bail on his executing 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 Sessions Judge, (PCR), Tirunelveli and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) On release, the appellant shall report before the 2nd respondent Police 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.

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

(iv) the appellant shall not abscond either during investigation or trial.



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(v) 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/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

- 1.The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli.
2. The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to: The II Additional Sessions Judge (PCR),
Tirunelveli.

+1CC to Mr.A.Sivasubramanian, Advocate, SR.No.65084

Cr1.A.(MD)No.227 of 2018
03.05.2018

dsk/ta
AM/SV/SAR 2/04.05.2018/3P/6C