



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.05.2018

CORAM:

THE HONOURABLE MRS. JUSTICE R. THARANI

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Crl.A.(MD)No.230 of 2018

1.Senthurapandi
2.Siva@Chidambaram ... Appellants/Petitioners

Vs.

1.The State rep. by its
The Assistant Commissioner of Police
Tirunelveli Town
Tirunelveli City ... 1st Respondent/Investigation Officer

2.The State rep.by its
The Inspector of Police
Tirunelveli Town Police Station
Tirunelveli City ... 2nd Respondent/Respondent

3.Sudalaikannu ... 3rd Respondent/Defacto Complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989 as amended by Act 1/2016, to call for the entire records relating to the order dated 23.04.2018 made in Cr.M.P.No.1146 of 2018 on the file of the learned II Additional District & Sessions Judge, Tirunelveli and to set aside the same as arbitrary and consequently to release the appellants on bail in connection with the FIR in Crime No.88/18 on the file of the respondent Police.

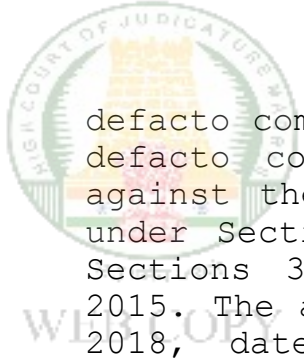
For Appellants	: Mr.M.S.Jeyakarthik
For Respondent	: Mr.K.Suyambu Linga Bharathi, Government Advocate (Crl. Side)

JUDGMENT

Heard Mr.M.S.Jeyakarthik, learned counsel appearing for the appellants and Mr.K.Suyambu Linga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

2.This appeal has been filed against the order passed made in Cr.M.P.No.1146 of 2018 on the file of the learned II Additional District & Sessions Judge, Tirunelveli and set aside the same and enlarge the appellants on bail.

3.The alleged offence against the appellants is that due to previous motive, on 05.03.2018, the appellants herein assaulted the



defacto complainant by using wooden log and knife, due to which, the defacto complainant was injured. Hence, the case was registered against the appellants in Crime No. 88 of 2018 for the offences under Sections 147, 148, 341, 323, 324, 307, 506(ii) I.P.C., r/w Sections 3(1)(r), 3(1)(s), 3(2)(Va) of SC/ST(POA) Amendment Act, 2015. The appellants filed a petition for bail in Cr.M.P.No.1146 of 2018, dated 23.04.2018 which was dismissed by the learned II Additional District and Sessions Judge, Tirunelveli. This appeal was filed against the aforesaid order.

4. On the side of the appellants, it is stated that the appellants are innocents and they did not commit any offence as alleged by the prosecution. The appellants were arrested on 05.03.2018 and hence, he prays for grant of bail to the appellants.

5. On the side of the respondent, it is stated that totally three accused were involved in the occurrence. He further stated that injured has been discharged from the hospital.

6. Considering the facts and circumstances and also considering the fact that the injured has been discharged from the hospital and also that the appellants are in judicial custody from 05.03.2018, the Criminal Appeal is allowed and the Appellants are ordered to be released on bail, subject to the following conditions:

- (i) the appellants 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;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned II Additional District & Sessions Judge, Tirunelveli may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellants shall sign before the respondent police daily at 10:30 a.m., until further orders;
- (iv) the appellants shall not tamper with evidence or witness either during investigation or trial.
- (v) the appellants 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 appellants in accordance with law as if the conditions have been imposed and the appellants



shall be 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].

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Sd/-
Vacation Officer(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The II Additional District & Sessions Judge,
Tirunelveli.
- 2.The Assistant Commissioner of Police,
Tirunelveli Town,
Tirunelveli City.
- 3.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli City.
- 4.The Superintendent,
Central Prison,Palayamkottai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.M.S.Jeyakarthik, Advocate SR.No. 8285

Cr1.A. (MD) No.230 of 2018
09.05.2018

msa/aav
JM/SV MMS/SAR 1/10.05.2018/3P/7C