



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 19.06.2018

CORAM:

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.252 of 2018

Ramaiah

... Appellant/Sole Accused

Vs.

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

2. The Inspector of Police,
Valliyoor Police Station,
Tirunelveli District.
Crime No.187 of 2018.

3. Chinnadurai

... Respondents/Complainants

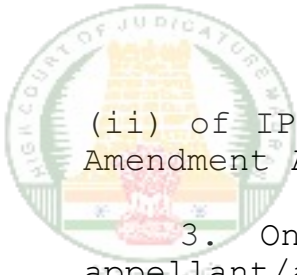
PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1/2016, to call for the records relating to the order in Cr.M.P.No.1268 of 2018 dated 26.04.2018 on the file of the learned II Additional Session Judge, Tirunelveli and set aside the same and grant bail to the appellant by allowing this Criminal Appeal.

For Appellant	: Mr.M.Subashbabu
For RR1 & 2	: Mr.K.Suyambulinga Bharathi Government Advocate (Crl. Side)
For R3	: No appearance

JUDGMENT

This appeal is filed against the order of dismissal passed in Cr.M.P.No.1268 of 2018, dated 26.04.2018, by the learned II Additional Session Judge, Tirunelveli in Crime No.187 of 2018.

2. On 07.04.2018 at 7.00 p.m. due to prior enmity between the appellant/accused and the defacto complainant, the appellant/accused used filthy language and assaulted the defacto complainant with aruval in the left arm and threatened him with dire consequences. Thereafter, the respondent police registered a case against the appellant/accused for an offence under Sections 294(b), 324 and 506



(ii) of IPC and Section 3(1)(r), 3(1)(s) of 3(2)(Va) of SC/St (PoA) Amendment Act 2015.

3. On the side of the appellant, it is stated that the appellant/accused was arrested and remanded into judicial custody on 08.04.2018 and he is in custody for the past 71 days and the injured is discharged from the hospital. Hence, he prayed for release on bail.

4. The learned Government Advocate (Criminal Side) would submit that the occurrence took place on 07.04.2018. The appellant caused injuries on the defacto complainant with aruval and 6 previous cases are also pending against the appellant. The appellant/accused was arrested and remanded into judicial custody on 08.04.2018. He fairly admitted that the injured was discharged from the hospital.

5. On the side of the appellant, it is further stated that the appellant/accused was on bail in other previous cases.

6. Records perused. It seems that the appellant/accused has involved in so many other cases. But, in this case the defacto complainant who was injured was discharged from the hospital, the accused was arrested and remanded and is in judicial custody for the past 71 days. The major portion of the investigation might have been completed by this time.

7. 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 Sessions Judge, Tirunelveli District;

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

(iii) On release, the appellant shall stay at Tirunelveli and sign before the Valliyoor 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.

(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.

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(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 (CO)

/True Copy/

Sub Assistant Registrar

To

1. The II Additional Sessions Judge,
Tirunelveli.
2. The Deputy Superintendent of Police,
Valliyoore,
Tirunelveli District.
3. The Inspector of Police,
Valliyoore Police Station,
Tirunelveli District.
4. The Superintendent,
Central Prison, Palayamkottai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.SUBASH BABU, ADVOCATE IN SR No. 68885

SJI

TE/SKN-RSK/SAR-4 : 20/06/2018 : 3P/7C