



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.A(MD)No.466 of 2018

Selvam : Appellant/Petitioner/
Accused No.2

Vs.

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

2.The Sub Inspector of Police,
K.V. Nallur Police Station,
Tirunelveli District.
[Crime No.298 of 2018]

3.Velu : Respondent/ Respondent/ Complainant

PRAYER: Criminal Appeal is filed under Section 14A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, praying to set aside the order passed by the learned Second Additional District and Sessions Judge, Tirunelveli (FAC) in Cr.M.P.No.3021 of 2018, dated 09.10.2018 and enlarge the petitioner on bail, pending investigation in Crime No.298 of 2018 on the file of the respondent.

For Appellants : Mr.R.J.Karthick

For Respondents 1 and 2 : Mr.A.Robinson,
Govt. Advocate (Crl. Side).

JUDGMENT

This Criminal Appeal is filed praying to set aside the order dated 09.10.2018 passed in Crl.M.P.No.3021 of 2018 on the file of the learned Second Additional District and Sessions Judge, Tirunelveli (FAC).

2.Heard the learned counsel appearing for the appellant and the learned Government Advocate (Criminal side) appearing for the respondents 1 and 2.



3.The victim has been informed about the bail petition through the learned Government Advocate (Crl. Side), but no representation for the victim.

4.The allegation against the appellant/accused No.2 is that pursuant to the wordy quarrel between the de facto complainant and the accused for spoiling his premises and consuming liquor, the appellant/accused No.2 has caused hurt to the de facto complainant.

5.It is now submitted that the victim has been discharged from the hospital.

6.Considering the facts of the case and also considering the change in circumstances, this Court is inclined to grant bail to the appellant/accused No.2, by allowing the Criminal Appeal on the following conditions:

- (i)The appellant/accused No.2 shall be enlarged on bail, on his executing a bond for Rs.10,000/-(Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of learned Judicial Magistrate, Sankarankovil;
- (ii)The appellant/accused No.2 shall report before second respondent Police Station, everyday at 10.30 a.m. for a period of 30 days from the date of release;
- (iii)The appellant/accused No.2 shall not tamper with investigation or trial; and
- (iv)On breach of any of the aforesaid conditions, the learned trial Judge is entitled to take appropriate action, as if the conditions have been imposed and the appellant/accused No.2 released on bail by the trial Judge himself as laid down by Hon'ble Supreme Court in P.K.Shaji vs State of Kerala in 2005 AIR SCW 5560.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1.The Second Additional District and Sessions Judge,
Tirunelveli (FAC).

2.The Judicial Magistrate, Sankarankovil.

<https://hcservices.ecourts.gov.in/hcservices/>
3.The Superintendent, Central Prison,
Palayamkottai, Tirunelveli District.



4.The Deputy Superintendent of Police,
Sankarankovil,
Tirunelveli District.

5.The Sub Inspector of Police,
K.V. Nallur Police Station,
Tirunelveli District.

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

+ 1 CC TO Mr.R.J.Karthick , ADVOCATE IN SR No. 91033.

smn

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JUDGMENT MADE IN
Crl.A(MD)No.466 of 2018
22.10.2018