



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2018

CORAM:

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.A(MD)Nos.468 and 469 of 2018

Arul Naveen	: Appellant/Accused Rank not known in Crl.A(MD)No.468/2018
Chinnu	: Appellant/Accused Rank not known in Crl.A(MD)No.469/2018

Vs.

1. State rep. by The Deputy Superintendent of Police, Manamadurai, Sivagangai District.	
2. The Inspector of Police, Pazhayanoor Police Station, Sivagangai District. [Crime No.32 of 2018]	: Respondents 1 and 2/Complainant
3.Maheswaran	: Third Respondent/complainant

COMMON PRAYER: Criminal Appeals are filed under Section 14A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act, 1 of 2016, praying to call for the records pertaining to the orders dated 12.10.2018 and 11.10.2018 passed in Cr.M.P.Nos.3711 and 3687 of 2018 respectively on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai and set aside the same and enlarge the appellants on bail in connection with Crime No.32 of 2018 on the file of the respondent police by allowing these criminal appeals.

For Appellants in both Crl.As.	: Mr.G.Karuppasamy Pandian for Mr.R.Manikandan
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For Respondents 1 and 2 in both Crl.As.	: Mr.A.Robinson, Govt. Advocate (Crl. Side).
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**COMMON JUDGMENT**

This Criminal Appeals are filed praying to set aside the orders dated 12.10.2018 and 11.10.2018 passed in Cr.M.P.Nos.3711 and 3687 of 2018 on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai.

2.Heard the learned counsel appearing for the appellants 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.This is a case where due to communal violence, three persons were done to death and five others were grievously injured.

5.The overtact attributed with these appellants is that they caused damage to the roof of the victim family.

6.Considering the facts of the case and also considering the gravity of the crime committed by the appellants and the long period of incarceration, this Court is inclined to grant bail to the appellants, by allowing these Criminal Appeals on the following conditions:-

- (i)The appellants shall be enlarged on bail, on each of them executing a bond for Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai;
- (ii)They will report before the Curator, Mahatma Gandhi Musium, Madurai, on the first Friday of every English calendar month at 10.00 am., and stay at Gandhi Musium till 05.00 pm., to learn the teaching of Mahatma.
- (iii)they shall not enter their village till the disposal of the trial on any account and they shall participate in the trial without fail.
- (iv)The appellants shall not tamper with investigation or trial; and
- (v)On breach of any of the aforesaid conditions, the Trial Judge is entitled to take appropriate action, as if the conditions have been imposed and the appellants 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**.

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Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Special Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai.
2. The Deputy Superintendent of Police, Manamadurai, Sivagangai District.
3. The Inspector of Police, Pazhayanoor Police Station, Sivagangai District.
4. The Superintendent, Central Prison, Madurai. (in duplicate for communication to the accused)
5. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

Copy To:-

The Curator,
Mahatma Gandhi Musium, Madurai.

+ 2 CC TO Mr.R.MANIKANDAN, ADVOCATE IN SR Nos. 91000 & 91001

SMN

TE/SKN/SAR-1 : 23/10/2018 : 2P/10C

JUDGMENT MADE IN
Cr1.A(MD)Nos.468 and 469 of 2018
22.10.2018
(2/2)