



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Date: 12.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.A.(MD)No.267 of 2018

R.Kameswaran

... Appellant/Petitioner/Accused No.2

Vs.

1.The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.

2.The State Rep. by its
Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
(Cr.No.294 of 2018)

... Respondents 1 & 2/
Respondents/Complainant

3.Easwari ... 3rd Respondent/Respondent/Defacto Complainant

PRAYER: Appeal is filed under Section 14(2) of SC/ST Amendment Act, 2015 to set aside the order in Cr.M.P.No.1158 of 2018 on the file of the learned Sessions Judge (PCR cases), Sivagangai dated 08.06.2018 and enlarge the appellant on bail in connection with Crime No.294 of 2018 on the file of the second respondent Police.

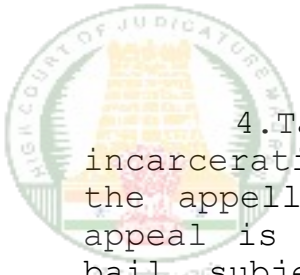
For Appellant : Mr.J.Jeyakumaran
For Respondents 1 & 2 : Mr.A.Robinson, G.A.(Cr1.side)

JUDGMENT

The appellant is arrayed as Accused No.2. He was arrested and remanded to judicial custody on 14.05.2018 for the offence punishable under Sections 147, 148, 294(b), 323, 427 and 506(ii) I.P.C. and Section 4 of Prohibition of Woman Harassment Act and Section 3 (1)(r) (s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 in Crime No.294 of 2018 on the file of the respondent police. He seeks bail.

2.The appellant filed a petition for bail in Cr.M.P.No.1158 of 2018 before the learned Sessions Judge (PCR cases), Sivagangai and the same was dismissed.

3.The appellant is aged about 70 years old. It is submitted that no one sustained injury in the alleged occurrence.



4. Taking note of the age of the appellant and also period of incarceration of the appellant, this Court is inclined to enlarge the appellant on bail with certain conditions. Accordingly, this appeal is allowed and the appellant is ordered to be released on bail, subject to the following conditions;

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(i) the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge (PCR cases), Sivagangai.

(ii) the appellant is directed to appear before the respondent police as and when required for interrogation.

(iii) the appellant shall not abscond.

(iv) on breach of any of the aforesaid conditions, the 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 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(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Sessions Judge (PCR cases),
Sivagangai.
2. The Deputy Superintendent of Police,
Sivagangai, Sivagangai District.
3. The Superintendent,
Central Prison, Madurai.
4. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
6. The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to M/S.J.Jeyakumaran, Advocate SR.No. 10271

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12.06.2018

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JM/SKN RSK/SAR 4/13.06.2018/2P/9C