

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 31.10.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**Crl.A. (MD)No.483 of 2018**

Muthuselvam .. Appellant/ Petitioner/ Accused rank
not known

Versus

1.The State represented by
Deputy Superintendant of Police,
Manamadurai, Sivagangai District.

2.The Inspector of Police,
Pazhayanoor Police Station,
Sivagangai District.

..Respondents 1 & 2 /
Complainant

(Crime No.32 of 2018)

3.Maheswaran

..3rd Respondent / *De facto*
Complainant

4.Malaisamy

5.Dhanasekaran

6.Sugumaran

7.Deivendran

...Respondent Nos.4 to 7 /
Victim

Prayer: Criminal Appeal filed under Sections 14 A(2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016 Appeal to set aside the order dated 11.10.2018 made in Cr.M.P.No.3689 of 2018, on the file of the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai and enlarge the appellant on bail in connection with Crime No.32 of 2018 on the file of the respondent Police by allowing this Criminal Appeal.

For Appellant : Mr.G.Karuppasamy Pandian
for M/s.R.Manikandan

For R1 & R2 : Mr.A.Robinson,
Government Advocate.
(Crl., side)

For R3 : Mr.G.Bhagawat Singh

**J U D G M E N T**

Heard Mr.G.Karuppasamy Pandian, learned counsel appearing for the appellant and Mr.A.Robinson, learned Government Advocate (Criminal side) appearing for the first and second respondents and Mr.G.Bhagawat Singh, learned counsel appearing for the third respondent.

2. The appellant herein is arrayed as Accused No.23 in Spl.S.C.No.65 of 2018, on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai.

3. It is a case which relates to the communal violence leading to brutal murder of three persons and grievous injury to five other persons who belonged to dominant community. Out of 33 accused persons, the Police has secured 31 accused persons and two of them are still absconding. Some of the accused persons were granted bail and few others' bail petitions have been dismissed. Considering the overt act of the respective accused. As far as this appellant is concerned, the material available against him is the statement of one of the witnesses who have stated that this appellant had removed the tiles of the house roof.

4. Taking into account of the overt act attributed to this appellant and the period of incarceration of more than 130 days, bail is granted to the appellant on the following condition:

(i) The appellant shall not enter into the disputed village for any reason and report before the Tallakulam Police Station (except on the day of hearing), daily at 10:30 a.m.;

(ii) the appellant shall be enlarged on bail, on his executing of a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai;

(iii) the appellant shall attend the trial, without fail;

(iv) the appellant shall not tamper with the evidence or witness 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 appellant 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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// True Copy //

Sd/-

Assistant Registrar (P & A)

Sub Assistant Registrar (CS-IV)

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases
under SC/ST Act (POA) Act, 1989, Sivagangai.
2. The Deputy Superintendant of Police,
Manamadurai, Sivagangai District.
3. The Inspector of Police,
Pazhayanoor Police Station,
Sivagangai District.
4. The Superintendent, Central Prison, Madurai.
5. The Inspector of Police, Tallakulam police station, madurai
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court.

Copy to

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1 CC To MR.R.MANI KANDAN, Advocate SR. NO. 93575

Judgment in
Crl.A. (MD) No.483 of 2018
31.10.2018

TSG

TR/SKN/SAR-IV (31.10.2018) 3P 10C