



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cr1.A.(MD)No.485 of 2018

1) Thavamani

2) Karthik

.. Appellants/ Petitioners/
Accused 1 and 2

Versus

The State rep., by
The Deputy Superintendent of Police,
Bodinayakanur Sub Division,
Bodinayakanur Rural Police Station,
Theni District.
(Crime No.661 of 2018)

..Respondent/Respondent/
Complainant

Prayer: Criminal Appeal filed under Section 14 A(2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016 to call for the records pertaining to the order dated 11.10.2018 made in Cr.M.P.No.2944 of 2018 on the file of Principal Sessions Judge, Theni and set aside the same and enlarge the appellants on bail in connection with Crime No.661 of 2018 on the file of the Bodinayakanur Rural Police Station by allowing this Criminal Appeal.

For Appellants : Mr.D.Venkatesh

For Respondent : Mr.A.Robinson, (Cr1.Side)
Government Advocate.

J U D G M E N T

Heard the learned counsel appearing for the appellants and the learned Government Advocate appearing for the State.

2. The allegations against the appellants is that they abused the girls of the oppressed community for occupying the seats of the public transport bus while going to school, depriving the children of their community the same comfort. The learned counsel for the appellants submitted that the appellants are in jail for the past 21 days.

3. The learned Government Advocate (Criminal Side) appearing for the State submitted that the investigation of the case is almost over. Notice to the victim was served but there was no representation on behalf of the victim.



4. Considering the facts of the case, bail is granted to the appellants on the following conditions:-

(i) the appellants shall be enlarged on bail, on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the Principal Sessions Judge, Theni.

(ii) The appellants shall report before the Investigating Officer as and when required;

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

(iv) the appellants shall not tamper with the evidence or witness and

(v) 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 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.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar (CS-IV)

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To

1) The Court of the Principal Sessions Judge,
Theni

2) The Deputy Superintendent of Police,
Bodinayakanur Sub Division,
Bodinayakanur Rural Police Station,
Theni District.

3) The Superintendent,
Central Prison, Madurai.

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

Copy to

The Section Officer, (2 copies)

Criminal Section,

Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.D.Venkatesh, Advocate in SR No.20711

<https://hcservices.ecourts.gov.in/hcservices/>

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NM/RSK/SAR IV/31.10.18/2P/8C.