



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON: 18.07.2018
DELIVERED ON : 01.08.2018

CORAM :

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD) No.298 of 2018

Karuppaiah

... Appellant

vs.

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

2.The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
(Crime No.39 of 2018)

3.Nachammai

... Respondents

Prayer:- Criminal Appeal filed under Section 14A(2) of SC/ST (POA) Act, to enlarge the petitioner on bail in Cr.No.39 of 2018 on the file of the respondent Police.

For Appellant :Mr.R.M.Arun Swaminathan

For Respondents :Mr.K.Suyambulinga Bharathi
For R1 & R2 Government Advocate (Crl. Side)

For R3 :Mr.Bhagavat Singh

JUDGMENT

Heard Mr.R.M.Arun Swaminathan, learned counsel appearing for the appellant and Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondents.

2.This appeal has been filed to set aside the Judgment passed in Criminal Miscellaneous Petition No.1498 of 2018 and to enlarge the petitioner on bail in Cr.No.39 of 2018 on the file of the respondent Police.

3.The case against the appellant is that the case under Section 174 Cr.P.C., @ 302 IPC and Section 3(2)(va) of SC/ST (POA) Amendment Act, 2015 was registered against the appellant.

4.On the side of the appellant, it is stated that in earlier the appellant filed an appeal in Crl.A.(MD)No.264 of 2018 before this Court and the same was dismissed on 21.06.2018. The co-accused



A1 was released on bail by this Court in CrI.O.P.(MD)No. 7727 of 2018 dated 05.06.2018. The appellant is only A2 in the case and prayed to be released on bail.

5. On the side of the prosecution, it is stated that Crime No.39 of 2010 was registered and the same was altered into 302 of IPC and Section 3(2)(va) of SC/ST (POA) Amendment Act, 2015. A1 was released on bail and the investigation is still pending and prayed to dismiss this petition.

6. On the side of the third respondent, it is stated that A1 was released because he was 76 years old and the deceased was beaten to death and there is specific overt act against the appellant and a civil case is pending against A1 and the deceased. This appellant is the hooligan of A1. If this appellant is not there, there may not be a chance for the occurrence at all. The appellant is not working under A1 and only the appellant is the prime accused in the occurrence and prayed to dismiss the appeal.

7. In this above circumstances, the co-accused was already released on bail. The appellant is in custody for more than 80 days and major portion of the investigation might have been completed by this time. Hence, the Criminal Appeal is allowed and the Appellant is ordered to be released on bail, subject to the following conditions:

- (i) the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Court of Sessions Judge and Special Court for exclusive trial of cases under SC/ST(POA) Act, 1989, Sivagangai;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Court of Sessions Judge and Special Court for exclusive trial of cases under SC/ST(POA) Act, 1989, Sivagangai may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;
- (iii) On release, the appellant shall stay at Sivagangai and sign before the Thirukostiyur Police Station once a day daily at 10:30 a.m., in the morning for a period of four weeks and thereafter, as and when required by the respondent police for interrogation;
- (iv) the appellant shall not tamper with evidence or witness either during investigation or trial;



(v) the appellant shall not abscond either during investigation or trial;

(vi) On breach of any of the aforesaid conditions, the learned 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 learned 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 (CrI.Side)

/True Copy/

Sub Assistant Registrar(CS-I)

To

- 1.The Court of Sessions Judge and Special Court for exclusive trial of cases under SC/ST(POA) Act, Sivagangai.
- 2.The Deputy Superintendent of Police, Thiruppathur, Sivagangai District.
- 3.The Inspector of Police, Thirukostiyur Police Station, Sivagangai District.
- 4.The Superintendent, Central Prison, Madurai.
- 5.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- 6.The Section Officer, Criminal Section, Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1CC to Mr.R.M.Arun Swaminathan Advocate in SR.No.76142.

MRN

DS/SKN-RSK/SAR-1 :01.08.2018: 3P/9C
<https://hcservices.ecourts.gov.in/hcservices/>

CrI.A.(MD) No.298 of 2018
01.08.2018