



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2018

CORAM:

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI.A(MD)No.325 of 2018

WEB COPY

1.Maharaja

2.Bala @ Balamurugan

... Appellants/Petitioners/

Accused Nos.5 & 7

Vs.

1.State : represented by

The Inspector of Police,
Palayamkottai Police Station,
(Crime No.40 of 2018).

... 1st Respondent/Complainant/

Complainant

2.Vasanthi

... 2nd Respondent/De-facto complainant/

Defacto complainant

Prayer: Criminal Appeal is filed under Section 14 A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order in Cr.M.P.No.2163 of 2018 in S.C.No.64 of 2018, dated 13.07.2018 on the file of the learned II Additional District and Sessions Judge, Tirunelveli (FCA) and enlarge the Appellants on bail in Crime No.40 of 2018, dated 22.01.2018 on the file of the 1st Respondent.

For Appellants : Mr.M.Nallamuthu

For R-1

: Mr.M.Chandrasekaran,

Additional Public Prosecutor.

JUDGEMENT

The appellants are arrayed as Accused Nos.5 and 7. They were arrested and remanded to judicial custody on 24.01.2018 for the offences punishable under Sections 364 IPC @ into 147, 148, 294(b), 302, 201 and 109 of I.P.C., and Section 3(1)(r), 3(1)(s) and 3(2)(Va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.40 of 2018 on the file of the respondent police. They seek bail by setting aside the order passed by the learned II Additional District and Sessions Judge, Tirunelveli, in Cr.M.P.No.2163 of 2018, dated 13.07.2018.

2. The learned Additional Public Prosecutor submits that final report has also been filed in this case and it has also been taken on file in S.C.No.64 of 2018 on the file of the Special Court for the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Tirunelveli. He has further submitted that the appellants herein who are shown as accused are not having any other previous case. Goondas Act has been invoked against them. The



detention order passed has also been revoked.

3. Taking into account all these facts, this Court is inclined to allow the Criminal Appeal. Accordingly, the Criminal Appeal stands allowed and the order passed by the learned II Additional District and Sessions Judge, Tirunelveli, in Cr.M.P.No.2164 of 2018, dated 13.07.2018, stands set aside. The appellants are ordered to be released on bail, subject to the following conditions;

(i) the appellants 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 learned II Additional District and Sessions Judge, Tirunelveli District;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned II Additional District and Sessions Judge, Tirunelveli District may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(iii) On release, the appellants shall stay at Tirunelveli and sign before the Palayamkottai 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 appellants shall not tamper with evidence or witness either during investigation or trial.

(v) the appellants 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 appellants in accordance with law as if the conditions have been imposed and the appellants 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 (AS)

/True Copy/

Sub Assistant Registrar(CS-IV)



1. The II Additional District and Sessions Judge,
Tirunelveli.

2. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City.

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

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

+1CC to Mr.M.Nallamuthu Advocate in SR.No.78296.

LS

DS/RP/SAR-4 :27.07.2018: 3P/7C

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