



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.A(MD)No.332 of 2018

Rajasingh David ... Appellant/Petitioner/Accused No.6

Vs.

State : represented by its,
Assistant Commissioner of Police,
Tirunelveli City,
Palayamkottai Police Station.
(Crime No.40 of 2018)

... Respondent//Respondent/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 call for the records in Cr.M.P.No.2164 of 2018 in Crime No.40 of 2018 on the file of the learned II Additional District and Sessions Judge, Tirunelveli, dated 13.07.2018 and to set aside the same and enlarge the appellant on bail.

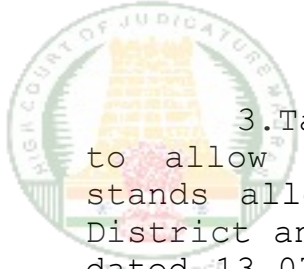
For Appellant : Mr.T.A.Ebenezer

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor.

JUDGEMENT

The appellant is arrayed as Accused No.6. He was arrested and remanded to judicial custody on 29.01.2018 for the offences punishable under Sections 364, 147, 148, 294(b), 302, 201, 34 and 109 of I.P.C., and Section 3(1)(r), 3(1)(s) and 3(2)(v-a) 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. He seeks bail by setting aside 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.

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 further submitted that the appellant herein who is shown as accused and he is 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 The detention order passed has also been revoked.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 appellant is ordered to be released on bail, subject to the following conditions;

[i] the appellant shall execute a bond each 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 Judicial Magistrate No.I, Tirunelveli.

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

[iii] On breach of any of the aforesaid conditions, the learned Sessions Judge/appellate 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 Sessions Judge/appellate 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 (T&P)

/True copy/

Sub Assistant Registrar (CS-I)

To

1. The II Additional District and Sessions Judge,
Tirunelveli.
2. Assistant Commissioner of Police,
Palayamkottai Police Station,
Tirunelveli City.
3. The Superintendent,
Central Prison,
Palayamkottai.
4. Judicial Magistrate No.I,
Tirunelveli.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.A.Ebenezer, Advocate, SR.No.74629.

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24.07.2018