



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.08.2018

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THE HONOURABLE MRS. JUSTICE R.THARANI

CRL.A.(MD) No.340 of 2018

Susila

... Appellant

Vs.

1.The Deputy Superintendent of Police,
Andipatti Sub Division, Theni District.

2.State represented by its
The Inspector of Police,
Andipatti Police Station,
Theni District.
(Crime No. 373 of 2018)

3.V.Muniyandi

... Respondents

Prayer : This Criminal Appeal is filed under Section 14 A(2) of SC/ST (POA) Act, 2015, to set aside the order of the learned Principal District Sessions Judge, Theni in Crl.M.P.No.2014 of 2018 dated 25.07.2018 and enlarge the appellant on bail in crime No.373 of 2018 on the file of the second respondent police.

For Appellant : Mr. T.Sugadev

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

JUDGMENT

This appeal has been filed to set aside the order dated 25.07.2018 passed in Crl.M.P.No.2014 of 2018 on the file of the learned Principal District Sessions Judge, Theni.

2.The case of the appellant is that the accused no.1 in this case and others received a sum of Rs.3 lakhs from the defacto complainant, on a false promise for getting a Government job and when the defaco complainant asked for the return of the amount, the appellant and others scolded him in filthy language and humiliated him by using his caste name and criminally intimidated him. The case under Section 506(i) and 420 of IPC and 3(1) (r), 3 (1) (s), 3(2) (va) of SC/ST (POA) Amendment Act 2015 registered against the



appellant and others.

3. On the side of the appellant it is stated that the appellant is the wife of the Accused No.1 and she is noway connected with this offence. The first accused was arrested and released on bail two months ago, but the appellant is in custody from 09.07.2018 and prayed the petition to be released on bail.

4. On the side of the respondent it is stated that the defacto complainant gave a Sum of Rs.3 lakhs to the accused for getting Government job. The Accused No.1 did not arrange job for the defacto complainant. When the defacto complainant approached the first accused for return of his money, this appellant and the other accused scolded the defacto complainant in filthy language and humiliated him by using his caste name and criminally intimidated him.

5. The third respondent appeared in person and he has represented that already the first accused was released on bail and if the appellant is released on bail, both of them will harass him and there is danger for his life and he opposed this petition.

6. Records perused. It is stated that the appellant has scolded the defacto complainant by using filthy language over phone. The appellant is in custody from 19.07.2018. The first accused was already released on bail. In the above circumstances, the Criminal Appeal is **allowed** and the order passed in CrI.M.P.No.2014 of 2018 on the file of the learned Principal District Sessions Judge, Theni, dated 25.07.2018, is set aside and the appellant is ordered to be released on bail on her executing 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 Principal District Sessions Judge, Theni and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of her Aadhar Card or Bank Pass Book to ensure her identity.

(ii) On release, the appellant shall stay at Madurai and report before the Theppakulam Police Station, Madurai, at 10:30 a.m., until further orders.

(iii) the appellant shall not tamper with the evidence or the witness either during investigation or trial.

(iv) the appellant shall not abscond either during investigation or trial.



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(v) 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(CO)

/True copy/

Sub Assistant Registrar(CS-I)

To

- 1.The Principal District Sessions Judge,
Theni.
- 2.The Deputy Superintendent of Police,
Andipatti Sub Division,
Theni District.
- 3.The Inspector of Police,
Andipatti Police Station,
Theni District.
- 4.The Inspector of Police,
Theppakulam Police Station,
Madurai.
- 5.The Superintendent,
Special Prison for Women, Madurai.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 7.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. **(2 COPIES)**

+1cc to Mr.M.JEGADEESHPANDYAN, Advocate, SR.No. 77132

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