



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**
Crl.A. [MD].No.356 of 2018

WEB COPY

Antony @ Antony Yagappan

: Appellant

Vs.

1.The State Represented by
The Assistant Commissioner of Police,
Tirunelveli City, Tirunelveli District.

2.The Inspector of Police,
Tirunelveli Medical College Police Station,
Tirunelveli City, Tirunelveli.

3.Kumar

: Respondents

PRAYER : Criminal Appeal is filed under Section 14 A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the entire records relating to the order dated 15.05.2018 passed in Cr.M.P.No.1422 of 2018, on the file of the learned II Additional District and Sessions Court, Tirunelveli and set aside the same as arbitrary and consequently, to release the petitioner on bail in connection with the First Information Report in Crime No.30 of 2018, on the file of the respondent police.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.A.Robinson

(1 & 2)

Government Advocate (Crl. side)

JUDGMENT

Mr.A.Robinson, learned Government Advocate (Criminal side) takes notice for the respondent 1 and 2.

2. This appeal has been filed against the dismissal of the bail application filed by the appellant before the learned II-Additional District and Sessions Court, Tirunelveli.

3. In this case, the alleged occurrence is said to have taken place on 26.02.2018 and the respondent police have registered an



F.I.R. for the offence punishable under Sections 147, 148, 447, 294 (b), 324, 302, 506(ii) and 120(B) of IPC and Section 3 and 4(a) of Explosive Substance Act and r/w Section 3(1)(r), 3(1)(s) of 3(2)(Va) of SC/ST (PoA) Amendment Act 2015 and 3(2)(V) of SC/ST (PoA) Act, 1989.

WEB COPY

4. The appellant is arrayed as A-10 in the above said Crime No.30 of 2018 and he was remanded to judicial custody on 17.03.2018 and from 17.03.2018 onwards, he is in jail. There are three accused persons, whose names are found in the First Information Report along with six unknown persons.

5. The learned counsel for the appellant submits that there is no other specific overt act against the appellant that he was involved in the conspiracy for the commission of the offence. The car of the appellant was said to have been used for the commission of the offence. The appellant is in judicial custody for more than five months.

6. The allegations against the appellant is that he has conspired and the name of the appellant is also not found in the First Information Report and except conspiracy, there is no other specific overt act against the appellant.

7. It is also seen that some of the co-accused have already been released on bail by this Court by virtue of earlier orders.

8. In the result, the Criminal Appeal is allowed, the order dated 15.05.2018, passed by the learned II Additional Sessions Judge, Tirunelveli, made in Cr.M.P.No.1422 of 2018 is set aside and the appellant is ordered to be released on bail on his 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 II Additional District and Sessions Judge, Tirunelveli 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 their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) On release, the appellant shall report before the respondent police daily at 10:30 a.m., in the morning and 05:30 p.m., in the evening for a period of four weeks and thereafter, as and when required by the respondent police for interrogation.



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

(vi) the appellants shall not abscond either during investigation or trial.

(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-IV)

To

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

2.The Assistant Commissioner of Police,
Tirunelveli City, Tirunelveli District.

3.The Inspector of Police,
Tirunelveli Medical College Police Station,
Tirunelveli City, Tirunelveli.

4. The Superintendent Central Prison,
Palayamkottai.

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

6.The Record Keeper,
Criminal Section, Madurai Bench of Madras High Court,
Madurai. (2 copies)

CRL.A. (MD) .356 of 2018
07.08.2018

sj i

TR/SKN/SAR-IV(08.10.2018)3P 8C