



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2018

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.A(MD)No.360 of 2018

Muthaiah : Appellant/ Accused No.2

Vs.

1.State rep. by
The Deputy Superintendent of Police,
Uthamapalayam Sub-Division,
Theni District.

2.State rep. By
The Inspector of Police,
Rayappanpatti Police Station,
Theni District. [Crime No.202 of 2018]
: Respondents 1 and 2/Complainants

3.Ramuthai : Third Respondent/
De facto complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and amended by Act 1/2016, praying to call for the entire records relating to the order dated 01.08.2018 passed in Crl.M.P.No.2103 of 2018 on the file of the Principal District and Sessions Court, Theni and set aside the same as arbitrary and consequently order to release the appellant on bail in connection with Crime No.202 of 2018 on the file of the second respondent police

For Appellant : Mr.R.Shankar Ganesh

For Respondents 1 and 2 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor.

For Respondent No.3 : No appearance

JUDGMENT

This Criminal Appeal is filed praying to set aside the order dated 01.08.2018 passed in Crl.M.P.No.2103 of 2018 on the file of the Principal District and Sessions Court, Theni.

2.Heard the learned counsel for the appellant and the learned Additional Public Prosecutor for the respondents 1 and 2. The de



facto complainant was informed about the bail petition through notice dated 10.08.2018, but no representation for the de facto complainant.

3. The appellant is in jail for alleged offences under Sections 294(b), 323, 506(ii) IPC, Section 4 of TNPHW Act and Sections 3(1)(r), 3(1)(s), 3(1)(w)(i), 3(2)(v-a) of SC/ST (POA) Amendment Act, 2015. The appellant, who was a watchman of the coconut grove, has been now impleaded in this case by the de facto complainant, who, according to the de facto complainant, came to steal the coconut. No person is injured.

4. Considering the nature of the complaint and the status of the appellant, this Court is inclined to grant bail to the appellant, by allowing the Criminal Appeal on the following conditions:-

- (i) the appellant/accused No.2 shall be enlarged on bail, on his executing a bond for Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of learned Principal District and Sessions Judge, Theni.
- (ii) the appellant/accused No.2 shall report before the Investigating Officer as and when required for interrogation;
- (iii) the appellant/accused No.2 shall not tamper with investigation or trial; and
- (iv) on breach of any of the aforesaid conditions, the learned trial Judge is entitled to take appropriate action, as if the conditions have been imposed and the appellant released on bail by the trial Judge himself as laid down by Hon'ble Supreme Court in P.K.Shaji vs State of Kerala in 2005 AIR SCW 5560.

Sd/-

Assistant Registrar (CO)

/True Copy/

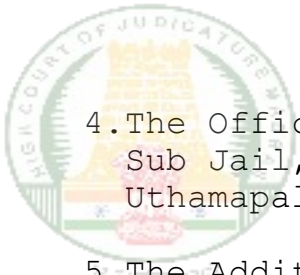
Sub Assistant Registrar (CS-I)

To

1. The Principal District and Sessions Judge,
Theni.

2. The Deputy Superintendent of Police,
Uthamapalayam Sub-Division,
Theni District.

3. The Inspector of Police,
Rayappanpet Police Station,
Theni District.



4.The Officer Incharge,
Sub Jail,
Uthamapalaiyam.

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

+1CC to Mr.R.Shankar Ganesh Advocate in SR.No.78465.

SMN

DS/SKN-RSK/SAR-1 :16.08.2018: 3P/7C

JUDGMENT MADE IN
Crl.A(MD)No.360 of 2018
13.08.2018