



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2018

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.A.(MD).No.377 of 2018

WEB COPY

T.Prabhu @ Vijayaraghavan

...Appellant/Petitioner/Accused No.2

Vs.

1. The Deputy Superintendent of Police,
Paramakudi, Ramanathapuram District.

2. The Inspector of Police,
Emaneshwaram Police Station,
Ramanathapuram District.
(Crime No.129 of 2018)

...Respondents/Respondents/
Complainant

3. Senthilnathakumar

...Respondent/Respondent/
De facto Complainant

Prayer: Criminal Appeal is filed under Section 14 A(1) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2005, praying to call for the records and set aside the order dated 16.08.2018 made in Crl.M.P.No.1545 of 2018, on the file of the Hon'ble Principal District and Sessions Judge (Special Judge for PCR Cases), Ramanathapuram in Crime No.129 of 2018, on the file of the second respondent.

For Appellant : Mr.A.Ramalingam

For R-1 & R-2 : Mr.A.Robinson

Government Advocate (Crl. Side)

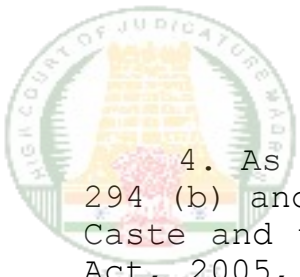
For R-3 : Mr.M.Ramesh

JUDGMENT

This Criminal Appeal is filed praying to set aside the order dated 16.08.2018 passed in Crl.M.P.No.1545 of 2018, on the file of the Principal District and Sessions Judge (Special Judge for PCR Cases), Ramanathapuram.

2. Heard the learned counsel for the appellant and the learned Additional Public Prosecutor for the respondents 1 and 2. The de facto complainant is also present along with his counsel and counter.

3. Perusal of the records indicates that the de facto complainant has recorded his No Objection before the trial Court, when bail petition was moved by the accused no.2 / petitioner herein. However, the trial Court has dismissed the bail petition taking note of the bad antecedents of the petitioner herein.



4. As far as this Case is concerned, though case under Sections 294 (b) and 323 IPC r/w Section 3(1)(r) and 3(1)(s) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2005, is registered against the accused, there is no injury to the victim / de facto complainant. The victim himself has come forward to record his No Objection for granting bail.

5. Considering the facts of the case and also considering the No Objection from the de facto complainant, 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 executing a bond for Rs.10,000/- [Rupees Ten Thousand only], with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge (Special Judge for PCR Cases). Ramanathapuram;

(ii) the appellant / accused No.2 shall stay at Ramanathapuram and report before the Town Police Station, everyday at 10.30 a.m., for a period of 30 days from the date of release;

(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 / accused no.2 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(CS-III)

/True Copy/

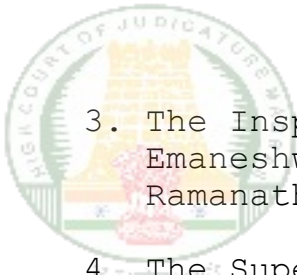
Sub Assistant Registrar(CS-II)

To

1. The Principal District and Sessions Judge
(Special Judge for PCR Cases),
Ramanathapuram.

2. The Deputy Superintendent of Police,
Paramakudi,

<https://hcservices.ecourts.gov.in/hcservices/>
Ramanathapuram District.



3. The Inspector of Police,
Emaneshwaram Police Station,
Ramanathapuram District.

4. The Superintendent of Sub jail
Ramanathapuram.

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

+1CC to Mr.C.SENTHIL MURUGAN, Advocate, SR.No. 15930

Cr1.A.(MD).No.377 of 2018
23.08.2018

SM

ES/SKN/RSK/SAR 2/23.08.2018/3P/7C