



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A(MD)No.308 of 2018

1. G.Suresh
2. Vellaiyammal

... Appellants/Petitioners

Vs.

- 1.The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.

- 2.State represented by,
The Inspector of Police,
Chinnamanur Police Station,
Theni District.
(Crime No.290 of 2018)

... Respondents/Complainants

3. Santhanaraja

... Respondent/Defacto Complainant

Prayer: Criminal Appeal is filed under Section 14 A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, as amended by Act 1 of 2016, to call for records relating to the order of dismissal of bail application dated 06.07.2018 made in Cr.M.P.No.1792 of 2018 on the file of the learned Principal District and Sessions Judge(P.C.R. Court), Theni and to set aside the same and enlarge the appellants on bail in connection with Crime No.290 of 2018 on the file of the respondent police by allowing the Criminal Appeal.

For Appellant :Mr.S.Ramu
For R-1 & R-2 :Mr.M.Chandrasekaran,
Additional Public Prosecutor.
For R-3 : No appearance.

JUDGEMENT

The appellants are arrayed as Accused Nos.1 and 2. They were arrested and remanded to judicial custody on 02.07.2018 for the offences punishable under Sections 147, 323, 506(i) of I.P.C., and Section 3(1)(r) and 3(1)(r)(s) and 3(2)(v-a) of the Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities) Amendment Act, 2015 in Crime No.290 of 2018 on the file of the respondent police. They seeks bail by setting aside the order passed by the learned



Principal District and Sessions Judge(P.C.R. Court), Theni, in Cr.M.P.No.1792 of 2018, dated 06.07.2018.

2. The learned Additional Public Prosecutor submits that the injured has been discharged from the hospital. He further submitted that the appellants are not having any previous case.

3. Taking note of the facts and circumstances of this case, this Court is inclined to allow the Criminal Appeal. Accordingly, the Criminal Appeal stands allowed and the order passed by the learned Principal District and Sessions Judge(P.C.R. Court), Theni, in Cr.M.P.No.1792 of 2018, dated 06.07.2018, stands set aside. The appellants are ordered to be released on bail, subject to the following conditions;

[i] the appellants 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 Principal District and Sessions Judge(P.C.R. Court), Theni.

[ii] the appellants are 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 appellants in accordance with law, as if the conditions have been imposed and the appellants 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/-

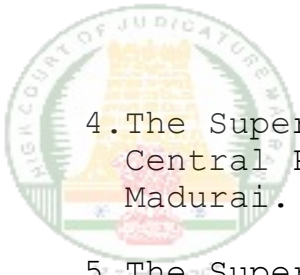
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Principal District and Sessions Judge(P.C.R. Court),
Theni.
2. The Deputy Superintendent of Police,
Uthamapalayam,
Theni District.
3. The Inspector of Police,
Chinnamanur Police Station,
Theni District.



4.The Superintendent,
Central Prison,
Madurai.

5.The Superintendent,
Special Prison for Women,
Madurai.

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

+1CC to Mr.S.Ramu Advocate in SR.No.74913.

PMU

DS/SV/SAR-1 :25.07.2018: 3P/8C

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24.07.2018