



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl. A. (MD) No.100 of 2019

1.Prasanth
2.Muniasamy

... Appellants / Petitioners

Vs.

1.The State Represented by its,
The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

...1st Respondent/
Investigating Officer

2.The State Rep by its,
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District,
(Crime No.21 of 2009)

...2nd Respondent /Respondent

3.Murali

... 3rd Respondent/
Defacto Complainant

Prayer : This 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 1/2016, to call for the entire records relating to the impugned order dated 05.03.2019 made in Crl.M.P.No.505 of 2019 on the file of the learned Principal District and Sessions Judge, Ramanathapuram and to set aside the same and consequently to release the petitioners on bail in connection with the FIR in Crime No.21 of 2019, pending investigation on the file of the first respondent police.

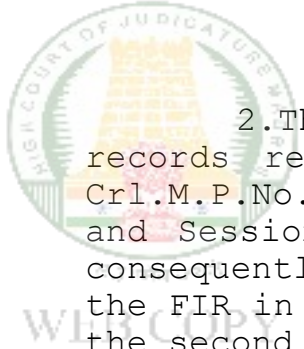
For Appellants : Mr.M.S.Jeyakarthik

For R-1 & R-2 : Mr.A.Robinson
Government Advocate (Crl.Side)

For R3 : No Appearance

J U D G M E N T

Heard Mr.M.S.Jeyakarthik, learned counsel appearing for the appellants and Mr.A.Robinson, learned Government Advocate (Criminal Side) appearing for the first and second respondents.



2.This Criminal Appeal has been filed to call for the entire records relating to the impugned order dated 05.03.2019 made in CrI.M.P.No.505 of 2019 on the file of the learned Principal District and Sessions Judge, Ramanathapuram and to set aside the same and consequently to release the petitioners on bail in connection with the FIR in Crime No.21 of 2019, pending investigation on the file of the second respondent police.

3.The Appellants, who are arrested and remanded to judicial custody on 27.02.2019, for the offences punishable under Sections 147, 294(b), 323 and 506(i) IPC r/w Section 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, on the file of the second respondent police, seeks appeal bail.

4.The learned counsel appearing for the appellants would submit that the appellants have been falsely implicated in this case and the same has not been considered properly and the appellants are in custody from 27.02.2019 onwards.

5.The learned Government Advocate (CrI.side) appearing for the first and second respondents, on instructions, would submit that the appellants herein are arrayed as A4 & A6. He would further submit that if the appellants/A4 & A6 are released on bail, they will tamper with the prosecution witnesses and hamper the investigation and therefore, he objected to grant bail to the appellants.

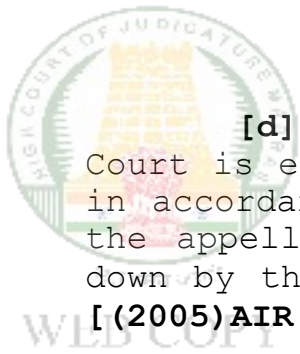
6.Considering the above facts and circumstances of the case and also considering the fact that, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 05.03.2019 made in CrI.M.P.No.505 of 2019 on the file of the Principal District and Sessions Judge, Ramanathapuram.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 05.03.2019 made in CrI.M.P.No.505 of 2019 on the file of the Principal District and Sessions Judge, Ramanathapuram, is set aside. The appellants are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the Principal District and Sessions Judge, Ramanathapuram, and on further condition that:

[a] the appellants shall appear before the concerned court, first working day of every month at 10.30 a.m., until further orders.

[b] the appellants shall not tamper with evidence or witness either during investigation or trial.

[c] the appellants shall not abscond either during investigation or trial.



[d] On breach of any of the aforesaid conditions, the Trial 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 Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

SD
ASSISTANT REGISTRAR(T AND P)

TRUE COPY

SUB ASSISTANT REGISTRAR

vsd

To

- 1.The Principal District and Sessions Judge,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.
- 3.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District,
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR. M.S. JEYAKARTHIK, ADVOCATE SR 58266

DS
4/4/2019
3P6C

Cr1. A.(MD)No.100 of 2019