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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

CrI. A.(MD)No.115 of 2019

Samuel Raj

... Appellant/ Petitioner

Vs.

1.The Deputy Superintendent of Police,
Sathankulam Division,
Thoothukudi District.

2.The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.
(Crime No.328 of 2015)

3.Chithiraivel

...Respondents

Prayer : This appeal is filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015, to call for the records pertaining to the order dated 27.02.2019 made in Cr.M.P.No.510 of 2019 on the file of the II Additional District & Sessions Judge, Tirunelveli and set aside the same and enlarge the appellant on bail in connection with Crime No.328 of 2015 on the file of the respondent by allowing this Criminal Appeal.

For Appellant	: Mr.D.Venkatesh
For R-1 & R-2	: Mr.A.Robinson
	Government Advocate (CrI.Side)
For R3	: Mr.P.Mani Anandh

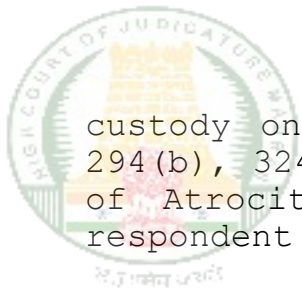
J U D G M E N T

Heard Mr.D.Venkatesh, learned counsel appearing for the appellant and Mr.A.Robinson, learned Government Advocate (Criminal Side) appearing for the first and second respondents and Mr.P.Mani Anandh, learned counsel appearing for the third respondent.

2.This Criminal Appeal has been filed to call for the records pertaining to the order dated 27.02.2019 made in Cr.M.P.No.510 of 2019 on the file of the II Additional District & Sessions Judge, Tirunelveli and set aside the same and enlarge the appellant on bail in connection with Crime No.328 of 2015 on the file of the respondent by allowing this Criminal Appeal.

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

3.The Appellant, who is arrested and remanded to judicial



custody on 27.11.2018, for the offences punishable under Sections 294(b), 324 and 506(ii) IPC r/w Section 3(1)(X) of SC/ST (Prevention of Atrocities) Amendment Act, 1989, on the file of the second respondent police, seeks appeal bail.

4.The learned counsel appearing for the appellant would submit that the appellant has been falsely implicated in this case and the same has not been considered properly and the appellant is in custody from 27.11.2018 onwards.

5.The learned Government Advocate (Crl.side) appearing for the first and second respondents, on instructions, would submit that the appellant herein is arrayed as sole accused. He would further submit that if the appellant/sole accused is released on bail, he will tamper with the prosecution witnesses and hamper the investigation and therefore, he objected to grant bail to the appellant.

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 27.02.2019 made in Cr.M.P.No.510 of 2019 on the file of the II Additional District & Sessions Judge, Tirunelveli.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 27.02.2019 made in Cr.M.P.No.510 of 2019 on the file of the II Additional District & Sessions Judge, Tirunelveli, is set aside. 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, each for a like sum to the satisfaction of the II Additional District & Sessions Judge, Tirunelveli, and on further condition that:

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

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

[c] the appellant 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 appellant in accordance with law, as if the conditions have been imposed and the appellant 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 (CO)

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SUB ASSISTANT REGISTRAR (CS II)



To

1. The II Additional District & Sessions Judge, Tirunelveli.

2. The Deputy Superintendent of Police,
Sathankulam Division,
Thoothukudi District.

3. The Inspector of Police,
Sathankulam Police Station,
Thoothukudi District.

4. The Superintendent District Jail, Thoothukudi.

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

1CC TO MR. D. VENKATESH, ADVOCATE SR 58838

DS

4/4/2019

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