



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl. A. (MD) No.116 of 2019

Thirupathi

... Appellant/ Accused No.1

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2.The State through
The Inspector of Police,
Devadanapatti Police Station,
Theni District.
(In Crime No.79 of 2019)

3.Seenisamy

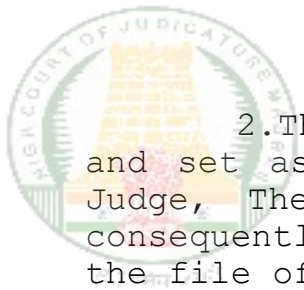
4.Thangasamy ... Respondents
(R4 impleaded as per the order of Hon'ble Court
made in Crl.M.P(MD)No.2794 of 2019 in
Crl.A(MD)No.116 of 2019 vide order dated 29.03.2019)

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 records and set aside the order passed by the learned Principal Sessions Judge, Theni on Cr.M.P.No.916 of 2019 dated on 14.03.2019 and consequently release the appellant in bail in Crime No.79 of 2019 on the file of the respondent No.2 police.

For Appellant	: Mr.M.Akbar Ali
For R-1 & R-2	: Mr.A.Robinson Government Advocate (Crl.Side)
For R3 & R4	: No Appearance

J U D G M E N T

Heard Mr.M.Akbar Ali, learned counsel appearing for the appellant and Mr.A.Robinson, learned Government Advocate (Criminal Side) appearing for the first and second respondents and no representation on behalf of the third and fourth respondents.



2.This Criminal Appeal has been filed to call for the records and set aside the order passed by the learned Principal Sessions Judge, Theni on Cr.M.P.No.916 of 2019 dated on 14.03.2019 and consequently release the appellant in bail in Crime No.79 of 2019 on the file of the respondent No.2 police.

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3.The Appellant, who is arrested and remanded to judicial custody on 26.02.2019, for the offences punishable under Sections 294(b), 323, 324, 427 and 506(ii) IPC and Section 3(1)(r), 3(1)(s), 3(2)(va) 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 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 26.02.2019 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 A1. He would further submit that if the appellant/A1 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 14.03.2019 made in Cr.M.P.No.916 of 2019 on the file of the Principal Sessions Judge, Theni.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 14.03.2019 made in Cr.M.P.No.916 of 2019 on the file of the Principal Sessions Judge, Theni, 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 Principal Sessions Judge, Theni, 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 is directed to deposit for a sum of Rs.5,000/- (Rupees Five Thousand) to the credit of Cr.M.P.No.916 of 2019 on the file of the Principal Sessions Judge, Theni, within a period of one week from the date of receipt of a copy of this order.

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

[d] the appellant shall not abscond either during investigation or trial.

[e] 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]**.

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Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS I)

To

- 1.The Principal Sessions Judge,
Theni.
 - 2.The Deputy Superintendent of Police,
Periyakulam Sub Division, Theni District.
 - 3.The Inspector of Police,
Devadanapatti Police Station, Theni District.
 - 4.The Superintendent,
Central Prison, Madurai.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1CC to Mr.M.AKBAR ALI , Advocate SR.No. 6098

Cr1. A. (MD)No.116 of 2019

DS/ /SAR- (03.04.2019) 3P 7C