



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2019

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**THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI**Crl.A.(MD)No.137 of 2019

- 1.Murugan
- 2.Prakash @ Suriyaprakash
- 3.Veerakumar
- 4.Ramkumar
- 5.Senthil
- 6.Duraisamy
- 7.Suresh
- 8.Muthumari
- 9.Marisamy
- 10.Sooriyagandhi
- 11.Sivachandran
- 12.Ponnaiah
- 13.Gowdhamraj
- 14.Nagaraj

... Appellants /Accused Nos.1 to 14

Vs.

- 1.State rep. by  
The Deputy Superintendent of Police,  
Kamuthi,  
Ramanathapuram District.

- 2.State rep. by  
The Inspector of Police,  
Kamuthi Police Station,  
Ramanathapuram District.  
(In Crime No.51 of 2019)

...Respondents 1 &amp; 2/ Complainants

- 3.Dhanasekaran

...3<sup>rd</sup> 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 & Amended by Act 1/2016, to call for the entire records relating to order dated 28.03.2019 passed in Crl.M.P.No.662 of 2019 on the file of the learned Principal District and Sessions Judge, Ramanathapuram and set aside the same as arbitrary and consequently order to release the appellants on bail in connection with Crime No.51 of 2019 on the file of the 2<sup>nd</sup> respondent police.

For Appellants  
For R-1 & R-2

: Mr.A.Uthayakumar  
: Mr.A.Robinson



### J U D G M E N T

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

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2.This Criminal Appeal has been filed to call for the entire records relating to order dated 28.03.2019 passed in Crl.M.P.No.662 of 2019 on the file of the learned Principal District and Sessions Judge, Ramanathapuram and set aside the same as arbitrary and consequently order to release the appellants on bail in connection with Crime No.51 of 2019 on the file of the 2<sup>nd</sup> respondent police.

3.The Appellant, who is arrested and remanded to judicial custody on 22.03.2019, for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 506 (ii) of IPC and r/w Section 3 (1)(r), 3(1)(s) of SC/ST (POA) 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 22.03.2019 onwards.

5.The learned Government Advocate (Criminal side) appearing for the respondent police, on instructions, would submit that the appellants herein are arrayed as A1 to A14. He would further submit that if the appellants/A1 to A14 is 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 28.03.2019 made in Crl.M.P.No.662 of 2019 on the file of the learned Principal District and Sessions Judge, Ramanathapuram.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 28.03.2019 made in Crl.M.P.No.662 of 2019 on the file of the learned Principal District and Sessions Judge, Ramanathapuram, is set aside. The appellants 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 learned Principal District and Sessions Judge, Ramanathapuram, and on further condition that:

**[a]** the appellants shall appear before the learned Principal District and Sessions Judge, Ramanathapuram, on the 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.  
<https://hcservices.ecourts.gov.in/hcservices/>

**[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]**.

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Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS )

vsd

To

1.The Principal District and Sessions Judge, Ramanathapuram.

2.The Deputy Superintendent of Police,  
Kamuthi, Ramanathapuram District.

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

4.The Superintendent, Central Prison, Madurai.

5.The Office-In-Charge, Bostral School, Melur,  
Madurai District.

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

1 CC to M/s.A.UTHAYA KUMAR, Advocate ( SR-60336[F] dated  
11/04/2019 )

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate ( SR-60562[F] dated  
11/04/2019 )

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DS/ /SAR- (12.04.2019) 3P 9C