



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A.(MD)No.171 of 2019

Nagendran

... Appellant

Vs.

1.The Deputy Superintendent of Police,
Kamuthi Division,
Ramanathapuram District.

2.State Rep by its,
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.51 of 2019)

...1st & 2nd Respondents/Complainants

3.Dhanasekaran

... 3rd Respondent/Defacto Complainant

Prayer : This Criminal 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 set aside the order of the learned Principal District and Sessions Judge, Ramanathapuram in Crl.M.P.No.683 of 2019 dated 08.04.2019 and enlarge the petitioner on bail in Crime No.51 of 2019 on the file of the 2nd respondent police.

For Appellant	: Mr.A.Uthayakumar
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.A.Uthayakumar, learned counsel appearing for the appellant and Mr.A.Robinson, learned Government Advocate (Criminal Side) appearing for the first and second respondents.

2.This Criminal Appeal has been filed to set aside the order of the learned Principal District and Sessions Judge, Ramanathapuram in Crl.M.P.No.683 of 2019 dated 08.04.2019 and enlarge the petitioner on bail in Crime No.51 of 2019 on the file of the 2nd respondent police.

3.The Appellant, who is arrested and remanded to judicial custody on 26.03.2019, for the offences punishable under Sections



147, 148, 341, 294(b), 323, 324, 506(ii) IPC r/w 3(1)(r), 3(1)(s) SC/ST (POA) Act, 2014, 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 26.03.2019 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 08.04.2019 made in Crl.M.P.No.683 of 2019 on the file of the Principal District and Sessions Judge, Ramanathapuram.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 08.04.2019 made in Crl.M.P.No.683 of 2019 on the file of the Principal District and Sessions Judge, Ramanathapuram, 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, for a like sum to the satisfaction of the Principal District and Sessions Judge, Ramanathapuram District, and on further condition that:

[a] the appellant shall appear before the concerned court, daily twice i.e., 10.30 a.m., and 5.00 p.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 ()

// True Copy //

Sub Assistant Registrar(CS)



To

- 1.The Principal District and Sessions Judge,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Kamuthi Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Superintendent, Central Prison,
Madurai.
- 6.The Superintendent of Police,
Ramanathapuram.
- 7.The District Collector,
Ramanathapuram.

+1CC TO MR.A.UTHAYA KUMAR, Advocate Sr. No.63955

Cr1.A. (MD)No.171 of 2019

NSN (CO)

SP (30.04.2019) 3P 9C