



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2019

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.A.(MD)No.146 of 2019

Marisundar ... Appellant /Petitioner/3rd Accused

Vs.

1.State rep by

The Sub Inspector of Police,

Veeravanallur Police Station.

(Crime No.118 / 2019) ...1st Respondent/Respondent/Complainant

2.Ramachandran

...2nd Respondent/Defacto Complainant

Prayer : This appeal is filed under Section 14(A) (2) of the Schedule Caste/Schedule Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order made in Crl.M.P.No.953 of 2019 on the file of the II Additional Sessions Judge, Tirunelveli and allow this appeal and enlarge the petitioner on bail in Crime No.118 of 2019 on the file of the first respondent.

For Appellant

: Mr.V.Angusamy

For R-1

: Mr.A.P.G.Ohm Chairma Prabhu

Government Advocate (Crl.Side)

J U D G M E N T

This Criminal Appeal has been filed to set aside the order made in Crl.M.P.No.953 of 2019, on the file of the II Additional Sessions Judge, Tirunelveli and allow this appeal and enlarge the petitioner on bail in Crime No.118 of 2019, on the file of the first respondent.

2.It is the case of the prosecution that the petitioner/accused along with other accused abused the defacto complainant in filthy language and also abused the caste name of the defacto complainant, attacked him with stick and also threatened him with dire consequences. Hence, the present complaint.

3.The Appellant, who was arrested and remanded to judicial custody on 20.03.2019, for the offences punishable under Sections 341, 294(b), 307, 323 and 506(ii) IPC r/w Section 3(1)(r)(s) and 3(2)(Va) of SC/ST (PoA) Act, 2015, on the file of the respondent police, seeks appeal bail.

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

4.Heard Mr.V.Angusamy, learned counsel appearing for the



appellant and Mr.A.P.G.Ohm Chairma Prabhu, learned Government Advocate (Criminal Side) appearing for the first respondent and perused the materials available on record carefully.

5.Taking into consideration the nature of allegations and the fact that the accused is in custody from 20.03.2019, this Court is of the view that it is a fit case to grant bail to the petitioner/accused.

6.Accordingly, the order dated 02.04.2019 in Crl.M.P.No.953 of 2019 passed by the learned II Additional District & Sessions Judge, Tirunelveli (FAC) is set aside and the appeal is allowed and the petitioner is ordered to be released on bail on condition that the petitioner shall execute 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 and Sessions Judge, Tirunelveli (FAC) and on further condition that:

[a] the appellant and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

[b] the appellant shall report before the respondent police everyday at 6.30 p.m for a period of four weeks and thereafter as and when required;

[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 learned Magistrate/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 learned Magistrate/Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

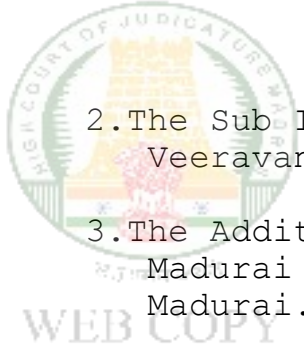
Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS II)

To



2.The Sub Inspector of Police,
Veeravanallur Police Station.

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

Crl.A. (MD) No.146 of 2019

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VSD/DSS

KK/SAR/10.04.2019/ 3P- 4C