



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.04.2019
CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.A.(MD)No.169 of 2019

Latha

... Appellant/Accused No.6

Vs.

State rep. by

1.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

...1st Respondent/Investigating Officer

2.The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
(Crime No.269 of 2017)

...2nd Respondent/Complainant

3.Muniyasamy

... 3rd Respondent/Defacto Complainant

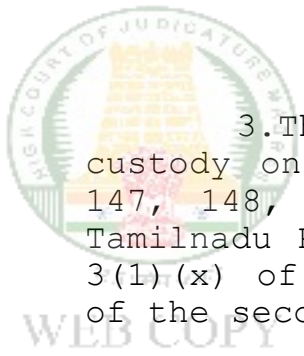
Prayer : This appeal is filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1/2016, to call for the records pertaining to the order dated 12.04.2019 made in Cr.M.P.No.797 of 2019 on the file of the Principal District & Sessions Judge, Ramanathapuram and set aside the same and enlarge the appellant on bail in connection with Crime No.269 of 2017 on the file of the respondent police by allowing this Criminal Appeal.

For Appellant	: Mr.T.Lenin Kumar
For R-1 & R-2	: Mr.A.Robinson
	Government Advocate (Cr1.Side)
For R3	: No Appearance

J U D G M E N T

Heard Mr.T.Lenin Kumar, 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 call for the records pertaining to the order dated 12.04.2019 made in Cr.M.P.No.797 of 2019 on the file of the Principal District & Sessions Judge, Ramanathapuram and set aside the same and enlarge the appellant on bail in connection with Crime No.269 of 2017 on the file of the respondent police by allowing this Criminal Appeal.



3.The Appellant, who is arrested and remanded to judicial custody on 12.04.2019, for the offences punishable under Sections 147, 148, 294(b), 323, 324, 355, 506(ii) of IPC & Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, r/w Section 3(1)(x) of SC/ST (Prevention of Atrocities) 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 12.04.2019 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 A6. He would further submit that if the appellant/A6 is released on bail, she 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, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 12.04.2019 made in Cr.M.P.No.797 of 2019 on the file of the Principal District and Sessions Judge, Ramanathapuram.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 12.04.2019 made in Cr.M.P.No.797 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 Judicial Magistrate, Paramakudi, and on further condition that:

[a] the appellant shall appear before the Judicial Magistrate, Paramakudi, daily 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 (AE)

/ True Copy /



To

1.The Principal District and Sessions Judge,
Ramanathapuram.

2.The Judicial Magistrate, Paramakudi.

3.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

4.The Superintendent,
Sub-Jail for Women,
Paramakudi.

5.The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate
(SR-64295[F] dated 30/04/2019)

Cr1.A.(MD)No.169 of 2019

vsd

ES/30.04.2019/3P/8C