



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 09.05.2019

CORAM

**THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI**

Crl.A.(MD)No.191 of 2019

Thangapandi

... Appellant/Accused

Vs.

1.The Deputy Superintendent of Police,  
Theni District.

2.The Inspector of Police,  
Devathanapatty Police Station,  
Theni District.  
(Crime No.164 of 2019)

:Respondent/Complainant

3.Mariyammal

:Respondent/Defacto Complainant

4.Manivel

5.Santhosh

6.Jaya

7.Manikandan

:Respondents/Victim

**Prayer :** This appeal is filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, to set aside the order of the Court below i.e., the order of the Trial Court on 22.04.2019 in Crl.M.P.No.1306 of 2019 on the file of the learned Principal Sessions Judge (PCR), Theni, Cases under SC/ST (POA) Act, Theni and further to grant bail for the above said Appellant/Accused No.1 related to Crime No.164 of 2019 on the file of the above said respondent.

For Appellant : Mr.P.Manikandan

For R-1 & R-2 : Mr.K.Suyambu Linga Bharathi  
Government Advocate (Crl.Side)

### **J U D G M E N T**

Heard Mr.P.Manikandan, learned counsel appearing for the appellant and Mr.Suambu Linga Bharathi, 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 Court below i.e., the order of the Trial Court on 22.04.2019 in Crl.M.P.No.1306 of 2019 on the file of the learned Principal Sessions Judge (PCR), Theni, Cases under SC/ST (POA) Act, Theni and further to grant bail for the above said Appellant/Accused No.1 related to Crime No.164 of 2019 on the file of the above said respondent.

3.The Appellant, who is arrested and remanded to judicial custody on 15.04.2019, for the offences punishable under Sections 147, 294(b), 323, 506(i) of I.P.C, and 3(1)(r), 3(1)(s) and 3(2)

(va) of the Schedule Caste and the Schedule Tribes (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 15.04.2019 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 sole accused. He would further submit that if the appellant/sole accused 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 the appellant is in custody from 15.04.2019 onwards, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 22.04.2019 made in Crl.M.P.No.1306 of 2019 on the file of the learned Principal Sessions Judge (PCR), Theni.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 22.04.2019 made in Crl.M.P.No.1306 of 2019 on the file of the learned Principal Sessions Judge (PCR), 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 (PCR), Theni, 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/-

Vacation Officer

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To

1.The Principal Sessions Court (PCR), Theni.

2.The Deputy Superintendent of Police,  
Theni District.

3.The Inspector of Police,  
Devathanapatty Police Station,  
Theni District.

4.The Superintendent, District Jail, Theni.

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

**Cr1.A. (MD) No.191 of 2019**

**vsd/cp**

**KK/SAR/10.05.2019/ 3P- 6C**

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