

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 15.05.2019****CORAM:****THE HONOURABLE MR.JUSTICE B.PUGALENDHI****CRL.A.(MD)No.211 of 2019**

Sivasubramanian @ Karthick

... Appellant / Accused No.
Not Known

-Vs-

1.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.... 1st Respondent / Complainant2.The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.
(Crime No.61 of 2019)... 2nd Respondent / Complainant3.Poodurai
Complainant

... Respondent /

PRAYER: Criminal Appeal filed under Section 14A(2) of SC/ST (POA) Act, 1989 as amended by Act 1/2016, praying to call for the entire records pertaining to the order Cr.M.P.No.1166/2019 dated 23.04.2019 on the file of the II Additional District & Sessions Judge, Tirunelveli (FAC) and set aside the same and enlarge the appellant on bail in Crime No.61/2019 on the file of the second respondent police.

For Appellant : Mr.R.Vinoth Bharathi

For R1 and R2 : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor.

For R3 : No Appearance

JUDGMENT

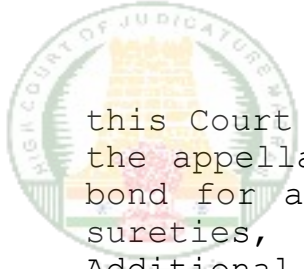
The present appeal is filed to set aside the order in Cr.M.P.No.1166/2019, dated 23.04.2019 on the file of the II Additional District & Sessions Judge, Tirunelveli (FAC) and enlarge the appellant on bail in Crime No.61/2019 on the file of the second respondent police.

2.The case of the prosecution is that on 28.03.2019 at about 6.30 p.m., when the defacto complainant came back from his work, the accused person waylaid the *de facto* complainant, abused his caste name and assaulted him with stone and threatened with the dire consequences.

3.The victim was already discharged from the hospital. The appellant was arrested on 10.04.2019 and is inside the jail.

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

4.Considering the incarceration undergone by the appellant and the fact that the victim was also discharged from the hospital,



this Court is inclined to grant bail to the appellant. Accordingly, 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 learned II Additional District and Sessions Judge, Tirunelveli, and on further conditions that:-

[a] the appellant as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the appellant shall report before the respondent police as and when required;

[c] the appellant shall not tamper the evidence or witness either during investigation or trial;

[d] the appellant shall co-operate for the investigation and the trial. The appellant shall not abscond either during investigation or trial and in event of the appellant absconds, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the appellant, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

5. Accordingly, this Criminal Appeal is allowed.

Sd/-

Vacation Officer

// True Copy //

Sub Assistant Registrar(CS)

To

1.The II Additional District and Sessions Judge,
Tirunelveli.

2.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.

3.The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.

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

Copy to: The Superintendent, Central prison, Palayamkottai
+1cc to Mr. R.VINOTH BHARATHI, Advocate, SR.No.65919

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