



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2019

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

Crl. A. (MD)No.236 of 2019

R.Jeganathan ... Appellant / Petitioner/Accused

Vs.

1.State Represented by
The Inspector of Police,
Fort Police Station,
Trichy.
(Crime No.139 of 2019) ...1st Respondent / Complainant

2.Manikandan ...2nd Respondent /Defacto Complainant
(R2-Impleaded as per the order of the Court dated 12.06.2019)

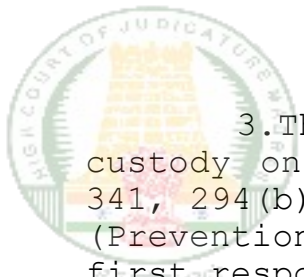
Prayer : This appeal is filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment Act) 1 of 2016, to set-aside the order in Cr.M.P.No.2270 of 2019 on the file of the learned Additional District & Session Judge (PCR), Trichy dated on 24.05.2019 and direct the learned I Additional District & Session Judge (PCR), Trichy to accept the surrender of the petitioner / accused and consider the petitioner bail application and grant bail on the date of surrender itself in Crime No.139 of 2019 on the file the respondent police.

For Appellant	: Mr.G.Balumahendran
For R1	: Mr.R.Anandharaj Additional Public Prosecutor
For R2	: No Appearance

J U D G M E N T

Heard Mr.G.Balumahendran, learned counsel appearing for the appellant and Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the first respondent.

2.This Criminal Appeal has been filed to set-aside the order in Cr.M.P.No.2270 of 2019 on the file of the learned Additional District & Session Judge (PCR), Trichy dated on 24.05.2019 and direct the learned I Additional District & Session Judge (PCR), Trichy to accept the surrender of the petitioner / accused and consider the petitioner bail application and grant bail on the date of surrender itself in Crime No.139 of 2019 on the file the respondent police.



3.The Appellant, who is arrested and remanded to judicial custody on 21.02.2019, for the offences punishable under Sections 341, 294(b), 302 of IPC r/w 3(1)(r), 3(1)(r)(s) and 3(2)(v) of SC/ST (Prevention of Atrocities) Amendment Act, 2015, on the file of the first respondent police, seeks appeal bail.

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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 21.02.2019 onwards.

5.The learned Additional Public Prosecutor appearing for the first respondent, on instructions, would submit that the appellant herein is arrayed as sole accused. He would further submit that if the appellant/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, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 24.05.2019 made in Crl.M.P.No.2270 of 2019 on the file of the Additional District & Session Judge (PCR), Trichy.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 24.05.2019 made in Crl.M.P.No.2270 of 2019 on the file of the Additional District & Session Judge (PCR), Trichy, 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 I Additional District & Session Judge (PCR), Trichy, and on further condition that:

[a] the appellant shall appear before the concerned court, daily twice i.e. at 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 (CO)

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To

1. The I Additional District & Session Judge (PCR), Trichy.

2. The Inspector of Police,
Fort Police Station,
Trichy.

3. The Superintendent,
Central Prison, Trichy

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

+1cc to Mr.R.YEMMUNA, Advocate, SR.No.10860

Cr1. A. (MD) No.236 of 2019

VSD

KK/SAR/04.07.2019/3P-6C

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