



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.256 of 2019

1.Jayapandi
2.Periyamayan
3.Suriyaprakas
4.A.Thangapadi

: Appellants/Accused No.1 to 4

Vs.

1.State rep. by
The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.

2.Rosammal : Respondents/Complainant

Prayer: Criminal Appeal has been filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016 against the order, dated 04.06.2019 made in Crl.M.P.No.549 of 2019 on the file of the III Additional District and Sessions Judge (PCR), Madurai and enlarge the appellant on bail.

For Appellant : Mr.N.Mohideen Basha

For R1 : Mr.R.Anandaraj
Additional Public Prosecutor

For 2nd Respondent : No appearance

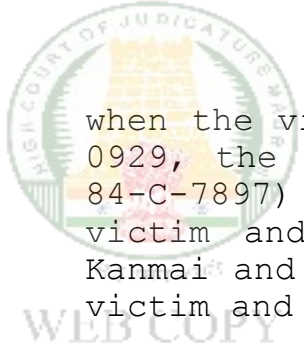
JUDGMENT

This Criminal Appeal has been filed against the order, dated 04.06.2019 made in Crl.M.P.No.549 of 2019 on the file of the III Additional District and Sessions Judge (PCR), Madurai and enlarge the appellants on bail.

2.The Appellants/A1 to A4, who were arrested and remanded to judicial custody on 06.04.2019 for the offences punishable under Sections 302, 147, 148, 342, 506(2) IPC r/w 3(2)(V) of SC/ST (POA) Amendment Act 2015, in Crime No.185 of 2019 on the file of the 1st respondent police, seek appeal bail.

<https://hds.courts.gov.in/poservices>

3.According to the prosecution, on 01.04.2019 at about 9.45 pm,



when the victim was returning to his house in his vehicle TN-58-AK-0929, the appellants/accused were travelled in TATA TIAGO Car (TN-84-C-7897) from Vadipatti to Thuvaraman with an intention to hit the victim and due to which, the victim through away to Thuvaraman Kanmai and in the meantime, the appellants/A2 to A4 were around the victim and A1 with his hand and scrub in knife.

4.The learned counsel appearing for the appellants submitted that the appellants are innocent persons and they have been falsely implicated in this case and they have nothing to do with the alleged occurrence and that the appellants are in jail for the past 90 days and they are the only bread-winners of the family.

5.The learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submitted that the earlier bail application filed by the appellants was dismissed and if they are released on bail, they will tamper the witnesses and prays for dismissal of the criminal appeal.

6.Heard the learned counsel appearing on either side and perused the materials available on record.

7.Considering the facts and circumstances of the case and also considering the fact that the the appellants is in jail for more than 90 days and they are the only bread-winners of the family, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 04.06.2019 passed in CrI.M.P.No.549 of 2019 by the learned III Additional District and Sessions Judge (PCR), Madurai.

8.Accordingly, the Criminal Appeal is allowed and the order, dated 04.06.2019 passed in Cr.M.P.No.549 of 2019 by the learned Sessions Judge, III Additional District and Sessions Judge (PCR), Madurai, is set aside. The appellants are ordered to be released on bail on their 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 learned Judicial Magistrate No.6, Madurai and on further condition that:

[a]the appellants shall report before the concerned court, daily twice at 10.30 a.m and 5.00 pm until further orders;

[b]the appellants shall not tamper with evidence or witness either during investigation or trial;

[c]the appellants shall not abscond either during investigation or trial; and

[d]On breach of any of the aforesaid conditions, the Trial Court is entitled to take appropriate action against the appellants in accordance with law, as if the conditions have been imposed and the appellants 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] .

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Sd/-

Assistant Registrar

Sub Assistant Registrar(CS)

To

- 1.The III Additional District and Sessions Judge(PCR),Madurai.
- 2.The Principal District Judge, Madurai.
- 3.The District Collector, Madurai.
- 4.The Director General of Police, Mylapore,
Chennai.
- 5.The Judicial Magistrate No.VI,
Madurai.
- 6.The Judicial Magistrate No.III,
Madurai.
- 7.The Superintendent of Central Prison,
Madurai.
8. The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
- 9.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to: The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1cc to Mr.N.MOHIDEEN BASHA, Advocate, SR.No. 72719

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