



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2019

CORAM

WEB COPY

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

Crl.A.(MD)No.275 of 2019

Mohamed Faizal

.. Appellant/Petitioner

Vs.

1.The Deputy Superintendent of Police,
Alangudi,
Pudukkottai District.

2.The Inspector of Police,
Karambakkudi Police Station,
Pudukkottai District.
(In Crime No.131 of 2008)

...1st & 2nd Respondents/Complainants

3.Muthuramalingam

... 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, Amendment Act 1 of 2016, to set-aside the order dated 18.06.2019 made in Cr.M.P.No.1453 of 2019 on the file of the Principal Sessions Judge, Pudukkottai and enlarge the petitioner on bail in connection with the case in Spl.S.C.No.39 of 2018 on the file of the Principal Sessions Judge, Pudukkottai.

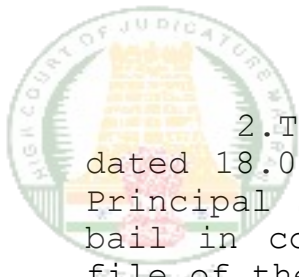
For Appellant : Mr.M.Suresh

For R-1 & R-2 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.Side)

For R-3 : Muthuramalingam (Party in person)

JUDGMENT

Heard Mr.M.Suresh, learned counsel appearing for the appellant, Mr.A.P.G.Ohm Chairma Prabhu, learned Government Advocate (Criminal Side) appearing for the first and second respondents and the third respondent who appeared in person.



2.This Criminal Appeal has been filed to set-aside the order dated 18.06.2019 made in Cr.M.P.No.1453 of 2019 on the file of the Principal Sessions Judge, Pudukkottai and enlarge the petitioner on bail in connection with the case in Spl.S.C.No.39 of 2018 on the file of the Principal Sessions Judge, Pudukkottai.

WEB COPY

3.The Appellant, who was arrested and remanded to judicial custody on 09.06.2019, for the offences punishable under Sections 147, 294(b), 341, 323 of IPC., and Section 3(1)(x) of SC/ST Act, 1989, in Crime No.131 of 2008, on the file of the 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 appellant is in custody from 09.06.2019 onwards.

5.The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, would submit that the appellant herein is arrayed as A3. 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.The third respondent who appeared in person has no objection to grant bail to the appellant.

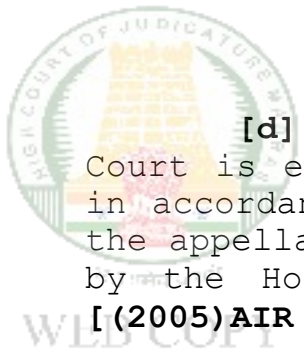
7.Considering the above facts and circumstances of the case and also considering the fact that the appellant is in custody from 09.06.2019 onwards, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 18.06.2019, passed in Cr.M.P.No.1453 of 2019, by the Principal Sessions Judge, Pudukkottai.

8.Accordingly, the Criminal Appeal is allowed and the order, dated 18.06.2019, passed in Cr.M.P.No.1453 of 2019, by the Principal Sessions Judge, Pudukkottai, 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 learned Principal Sessions Judge (PCR) Court, Pudukkottai, and on further condition that:

[a] the appellant shall appear before the learned Principal Sessions Judge (PCR) Court, Pudukkottai, 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)

/ True Copy /

Sub Assistant Registrar (CS-)

vsd

To

- 1.The Principal Sessions Judge (PCR),
Pudukkottai.
- 2.The Deputy Superintendent of Police,
Alangudi,
Pudukkottai District.
- 3.The Inspector of Police,
Karambakkudi Police Station,
Pudukkottai District.
- 4.The Superintendent,
District Prison, Pudukkottai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SURESH, Advocate (SR-73664[F] dated 05/07/2019)

Crl.A.(MD)No.275 of 2019
05.07.2019

ES/08.07.2019/3P/7C