



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.04.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A(MD)No.51 of 2019

Dhanush @ Dinesh Kumar : Appellant/Petitioner/A4/A4

Vs.

1.The State rep. by
The Assistant Commissioner of Police,
Palayamkottai,
Tirunelveli District.(Crime No.374 of 2017)

2.The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai,
Tirunelveli District.

3.Vinoth Kumar R1 to R3 /Respondents/
complainants/ complainants

4.Immanuvel

5.vinith

6.Praveen Kumar : R4 to R6/Respondents/
Victims

Prayer: Criminal Appeal has been filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Amendment Act, 2015 against the order, dated 04.02.2019 made in Crl.M.P.No.208 of 2019 in S.C.No.23 of 2018 on the file of the II Additional District and Sessions Judge, Tirunelveli and set aside the same as arbitrary and consequently release the petitioner on bail in connection with FIR in Crime No.374 of 2017 on the file of the respondent Police.

For Appellant : Mr.N.Pragalathan

For R1 and R2 : Mr.A.Robinson
Government Advocate
(Criminal side)

For R3, R5 and R6 : No appearance

**JUDGMENT**

This Criminal Appeal has been filed against the order, dated 04.02.2019 made in CrI.M.P.No.208 of 2019 in S.C.No.23 of 2018 on the file of the II Additional District and Sessions Judge, Tirunelveli and enlarge the appellant on bail.

2.The Appellant/A4, who was arrested and remanded to judicial custody for the offences punishable under Sections 147, 148, 294(b), 324, 302, 506(ii) IPC and Section 3(1)(r), 3(1)(s), 3(2)(Va) of SC/ST (POA) Act 2015, in Crime No.374 of 2017 on the file of the 2nd respondent police, seeks appeal bail.

3.The learned counsel appearing for the appellant submitted that the appellant is an innocent person and he has been falsely implicated in this case on the basis of the confession of the co-accused and he has nothing to do with the alleged occurrence and that the appellant is in jail for more than six months and prays for allowing this criminal bail.

4.The learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submitted that the earlier bail applications filed by the appellant were dismissed by the Sessions Court and if he is released on bail, he will temper the witnesses and prays for dismissal of the criminal appeal.

5.The 3rd respondent/de-facto complainant appeared before this court as party-in-person and he has no strong objection to release the appellant on bail.

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

7.Considering the above facts and circumstances of the case and also considering the fact that the the appellant is in jail for the past six months, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 04.02.2019 passed in CrI.M.P.No.208 of 2019 in S.C.No.23 of 2018, by the 2nd Additional District and Sessions Judge, Tirunelveli.

8.Accordingly, the Criminal Appeal is allowed and the order, dated 04.02.2019 passed in Cr.M.P.No.208 of 2019 in S.C.No.23 of 2018 by the 2nd Additional District and Sessions Judge, Tirunelveli, 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 2nd Additional District and Sessions Judge, Tirunelveli and on further condition that:

[a] the appellant is directed to stay at Sattur and report before the District Munsif-cum-Judicial Magistrate, Sattur, Virudhu Nagar District, daily twice at 10.30 a.m and 5.00 pm 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; and

[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

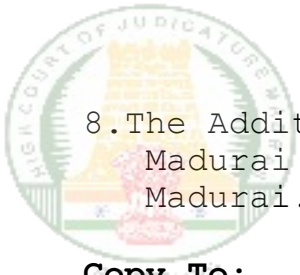
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Sub Assistant Registrar(CS)

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To,

- 1.The 2nd Additional District and Sessions Judge,
Tirunelveli.
- 2.The District Munsif Cum Judicial Magistrate, Sattur,
Virudhunagar District.
- 3.The Superintendent, Central Prison, Palayamkottai.
- 4.The Assistant Commissioner of Police,
Palayamkottai,
Tirunelveli District.
- 5.The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai,
Tirunelveli District.
- 6.The Inspector of Police, Tirunelveli Medical College,
Hospital Police Station, Tirunelveli.



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

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The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. **(2 copies)**

+1CC to Mr.N.PRAGALATHAN , Advocate SR.No. 63796.

Cr1.A(MD) No.51 of 2019
29.04.2019

DS/ /SAR- (02.05.2019) 4P 12C