



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.03.2019
CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl. A. (MD) No. 64 of 2019

Sundariah

... Appellant/Petitioner/Sole Accused

Vs.

1.State Rep.by

The Deputy Superintendent of Police,
Sankarankovil Sub Division,
Tirunelveli District.

2.State Rep by

The Sub Inspector of Police,
Sankarankovil Taluk Police Station,

(Crime No.22 of 2019 ...1st& 2nd Respondents /1st& 2nd Respondents
/Complainants

3.Bhavani ... 3rd Respondent / 3rd Respondent/Defacto Complainant
(Amended as per the order of Hon'ble Court in Crl.M.P(MD)No.1968 of
2019 in Crl.A(MD)No.64 of 2019 vide order dated 05.03.2019)

Prayer : This Appeal is filed under Section 14A(1) of the Scheduled
Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment
Act, 2015 (1/2016), to call for the records and set-aside the order
passed by the learned II Additional District and Sessions Judge
(PCR), Tirunelveli dated 14.02.2019 made in Crl.M.P.No.400 of 2019
and enlarge the appellant on bail by allowing this appeal.

For Appellant	: Mr.V.Kathirvelu, Senior Counsel for Mr.K.Prabhu
For R-1 & R-2	: Mr.A.Robinson Government Advocate (Crl.Side)
For R3	: Mr.K.P.Sankara Kumara Kuruparan

J U D G M E N T

Heard Mr.V.Kathirvelu, Senior Counsel for Mr.K.Prabhu,
appearing for the appellant and Mr.A.Robinson, learned Government
Advocate (Criminal Side) appearing for the first and second
respondents and Mr.K.P.Sankara Kumara Kuruparan appearing for the
third respondent.

2.This Criminal Appeal has been filed to call for the records
and set-aside the order passed by the learned II Additional District
and Sessions Judge (PCR), Tirunelveli dated 14.02.2019 made in
Crl.M.P.No.400 of 2019 and enlarge the appellant on bail.

3.The Appellant, who is arrested and remanded to
judicial custody on 04.02.2019, for the offences punishable under
Sections 294(b), 353, 323 and 506(ii) IPC and Section 4 of TNPWH Act
r/w Section 3(1)(r), 3(1) and 3(2)(va) of SC/ST (PoA) Amendment Act,



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 same has not been considered properly and the appellant is in custody from 04.02.2019 onwards.

5.The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, would submit that the appellant herein is arrayed as sole accused. He would further submit that if the appellant/sole 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 14.02.2019 made in CrI.M.P.No.400 of 2019 on the file of the II Additional District and Sessions Judge (PCR), Tirunelveli.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 14.02.2019 made in CrI.M.P.No.400 of 2019 on the file of the II Additional District and Sessions Judge (PCR), 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 learned II Additional District and Sessions Judge (PCR), Tirunelveli, and on further condition that:

[a] the appellant shall appear before the concerned court, daily twice i.e. at 10:30 a.m., in the morning and 05:30 p.m., in the evening 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 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]**.

Sd/-

Assistant Registrar



To

1.The II Additional District and Sessions Judge (PCR),
Tirunelveli.

2.The Deputy Superintendent of Police,
Sankarankovil Sub Division,
Tirunelveli District.

3.The Sub Inspector of Police,
Sankarankovil Taluk Police Station,
Tirunelveli District.

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

5.The Superintendent
Central Prison,
Palayamkottai,
Tirunelveli

+1cc to Mr.K.Prabhu, Advocate, SR.No.4886

Crl. A. (MD) No.64 of 2019
14.03.2019

SP/14.03.2019/ 3P/7C