



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2019

CORAM

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1. A. (MD) No.67 of 2019

Selvam ... Appellant /Accused No.2

Vs.

1.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.

2.The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District,
(Cr.No.262 of 2014)

...Respondent/ Complainant

3.Sakthivel ...Respondent/ Victim

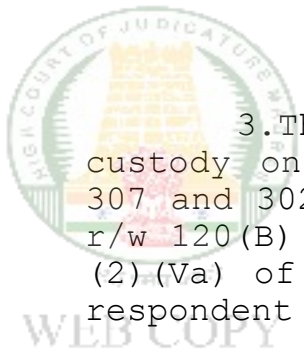
Prayer : This appeal is filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1/2016, to call for the entire records pertaining to the order Cr.M.P.No.337 of 2019 dated on 05.02.2019 on the file of the II Additional District & Sessions Judge, Tirunelveli (FAC) and set aside the same and enlarge the appellant on bail in Crime No.262 of 2014 on the file of the respondent police.

For Appellant	: Mr.R.Vinoth Bharath
For R-1 & R-2	: Mr.A.Robinson
	Government Advocate (Cr1.Side)
For R3	: No Appearance

J U D G M E N T

Heard Mr.R.Vinoth Bharath, learned counsel appearing for the appellant and Mr.A.Robinson, learned Government Advocate (Criminal Side) appearing for the first and second respondents. No representation on behalf of the learned counsel for the third respondent.

2.This Criminal Appeal has been filed to call for the entire records pertaining to the order Cr.M.P.No.337 of 2019 dated on 05.02.2019 on the file of the II Additional District & Sessions Judge, Tirunelveli (FAC) and set aside the same and enlarge the appellant on bail in Crime No.262 of 2014 on the file of the respondent police.



3.The Appellant, who is arrested and remanded to judicial custody on 15.02.2018, for the offences punishable under Sections 307 and 302 r/w 34 IPC r/w Section 3(2)(V) of SC/ST (PoA) Act, 1989 r/w 120(B) IPC @ 307, 302 IPC r/w 34 IPC and Section 3(1)(r)(s), 3(2)(Va) of SC/ST (PoA) Amendment Ordinance 2014, 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 15.02.2018 onwards.

5.The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, would submit that the appellant herein is arrayed as A2. He would further submit that if the appellant/A2 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 05.02.2019 made in CrI.M.P.No.337 of 2019 on the file of the II Additional District and Sessions Judge, Tirunelveli (FAC).

7.Accordingly, the Criminal Appeal is allowed and the order, dated 05.02.2019 made in CrI.M.P.No.337 of 2019 on the file of the II Additional District and Sessions Judge, Tirunelveli (FAC), 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 Judicial Magistrate No.I, Thoothukudi, and on further condition that:

[a] the appellant shall appear before the learned Judicial Magistrate No.I, Thoothukudi, daily at 10.30 a.m., except holidays, 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 II Additional District and Sessions Judge,
Tirunelveli (FAC).
2. The Judicial Magistrate No.I,
Thoothukudi.
3. The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.
4. The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District,
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1 CC to M/s.R.VINOTH BHARATHI, Advocate (SR-5202[I] dated
20/03/2019)

Cr1. A. (MD) No.67 of 2019

DS/ /SAR- (21.03.2019) 3P 7C