



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2019

CORAM

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A.(MD)No.79 of 2019

Natarajan @ Nattu

... Appellant /Petitioner/
Accused No.12

Vs.

1.State rep by

The Assistant Commissioner of Police,
Tirunelveli City, Tirunelveli District.

2.State Rep by

The Inspector of Police,
Tirunelveli Medical College Police Station,
Tirunelveli City, Tirunelveli.

(Crime No.30 of 2018) ...1st&2nd Respondents/1st&2nd Respondents/
Complainants

3.Kumar ...3rd Respondent/3rd Respondent/Defacto Complainants

Prayer : This appeal is filed under Section 14(A) (1) of the Schedule Caste/Schedule 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 21.02.2019 made in Cr.M.P.No.470 of 2019 and enlarge the appellant on bail, by allowing this appeal.

For Appellant	: Mr.K.Prabhu
For R-1 & R-2	: Mr.A.Robinson
	Government Advocate (Crl.Side)
For R3	: No Appearance

J U D G M E N T

Heard Mr.K.Prabhu, 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.

<https://hcservices.ecourts.gov.in/hcservices/>

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 21.02.2019 made in Cr.M.P.No.470 of 2019 and enlarge the appellant on bail.

3.The Appellant, who is arrested and remanded to judicial custody on 03.03.2018, for the offences punishable under Sections 147, 148, 447, 294(b), 324, 302, 506(ii) and 120(B) IPC and Section 3 and 4(a) of Explosive Substances Act r/w Section 3(1)(r), 3(1)(s) of SC/ST (POA) Amendment Act, 2015 and 3(2)(V) of SC/ST (PoA) Act, 1989, 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 03.03.2018 onwards.

5.The learned Government Advocate (Criminal side) appearing for the respondent police, on instructions, would submit that the appellant herein is arrayed as A12. He would further submit that if the appellant/A12 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 21.02.2019 made in Crl.M.P.No.470 of 2019 on the file of the learned II Additional District and Sessions Judge (PCR), Tirunelveli.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 21.02.2019 made in Crl.M.P.No.470 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 II Additional District and Sessions Judge (PCR), Tirunelveli, and on further condition that:

[a] the appellant shall appear before the IIIrd Additional District and Sessions Judge (PCR cases) Court, Madurai, daily twice i.e. at 10:30 a.m., in the morning and 05:30 p.m., in the evening 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 directed 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].

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Sd/-

Assistant Registrar (AS)

Sub Assistant Registrar (CS)

To

- 1.The II Additional District and Sessions Judge (PCR), Tirunelveli.
- 2.The IIIrd Additional District and Sessions Judge (PCR cases),
Madurai.
- 3.The Assistant Commissioner of Police,
Tirunelveli City, Tirunelveli District.
- 4.The Inspector of Police,
Tirunelveli Medical College Police Station,
Tirunelveli City, Tirunelveli.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.PRABHU, Advocate, SR.No. 59190

Cr1.A. (MD) No.79 of 2019

VSD

KK/SAR/05.04.2019/ 3P- 7C

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