



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A.(MD)No.85 of 2019

Barotta Raja @ Raja ... Appellant /Petitioner/Accused No.11

Vs.

1.The State rep by

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

2.The Inspector of Police,

Tirunelveli Medical College Police Station,
Tirunelveli City, Tirunelveli.

(Crime No.30 of 2018) ...Respondent 1 & 2/ Respondents/
Complainant

3.Kumar

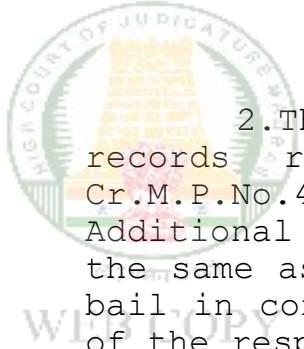
4.Vijayalakshmi ...Respondents 3 & 4/ Not a party/Complainant&
Victim

Prayer : This appeal is filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the entire records relating to the order dated 21.02.2019 passed in Cr.M.P.No.471 of 2019 in S.C.No.68 of 2018 on the file of the 2nd Additional District and Sessions Court, Tirunelveli and set aside the same as arbitrary and consequently to release the petitioner on bail in connection with the FIR in Crime No.30 of 2018 on the file of the respondent police.

For Appellant	: Mr.N.Pragalathan
For R-1 & R-2	: Mr.A.Robinson
	Government Advocate (Crl.Side)
For R3 & R4	: No Appearance

J U D G M E N T

Heard Mr.N.Pragalathan, 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 and fourth respondents.



2.This Criminal Appeal has been filed to call for the entire records relating to the order dated 21.02.2019 passed in Cr.M.P.No.471 of 2019 in S.C.No.68 of 2018 on the file of the 2nd Additional District and Sessions Court, Tirunelveli and set aside the same as arbitrary and consequently to release the petitioner on bail in connection with the FIR in Crime No.30 of 2018 on the file of the respondent police.

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 A11. He would further submit that if the appellant/A11 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.471 of 2019 on the file of the 2nd Additional District and Sessions Court, Tirunelveli.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 21.02.2019 made in Crl.M.P.No.471 of 2019 on the file of the 2nd Additional District and Sessions Court, 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 2nd Additional District and Sessions Court, Tirunelveli, and on further condition that:

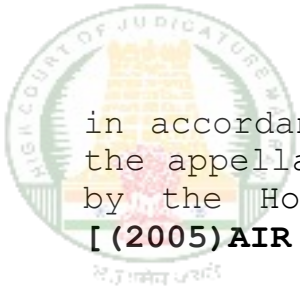
[a] the appellant shall appear before the learned Judicial Magistrate No.I, Thoothukudi, daily twice i.e. at 10:30 a.m., in the morning and 05:30 p.m., in the evening except holidays, until further orders.

[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.

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

[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]**.

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Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The II Additional District and Sessions Judge,
Tirunelveli.
- 2.The Judicial Magistrate No.I,
Thoothukudi.
- 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.N.Pragalathan Advocate, SR.No.59341

Cr1.A. (MD)No.85 of 2019

VSD

KK/SAR/05.04.2019/ 3P- 7C

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