



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.07.2019
CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**
Crl. A. (MD)No.298 of 2019

WEB COPY

Sakthi ... Appellant/Petitioner/Accused

Vs.

1.The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

2.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
(Crime No.89 of 2019)

...1st& 2nd Respondents /Complainants

3.Ilayaraja

...3rdRespondent/De-facto Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to call for the records pertaining to the order dated 14.06.2019 in Crl.M.P.No.1463 of 2019 on the file of the Principal District and Sessions Judge, Ramanathapuram and to set aside the same and enlarge the appellant on bail in connection with Crime No.89 of 2019 on the file of the 2nd respondent police by allowing this Criminal Appeal.

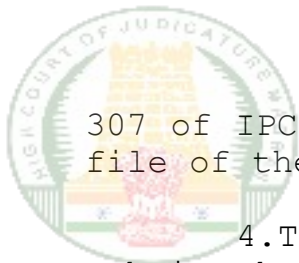
For Appellant	: Mr.C.Susi Kumar
For R-1 & R-2	: Mr.R.Anandharaj Additional Public Prosecutor
For R3	: No Appearance

J U D G M E N T

Heard Mr.C.Susi Kumar, learned counsel appearing for the appellant and Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the first and second respondents. No representation for R3.

2.This Criminal Appeal has been filed to call for the records pertaining to the order dated 14.06.2019 in Crl.M.P.No.1463 of 2019 on the file of the Principal District and Sessions Judge, Ramanathapuram and to set aside the same and enlarge the appellant on bail in connection with Crime No.89 of 2019 on the file of the 2nd respondent police.

3.The Appellant, who was arrested and remanded to judicial custody on 26.05.2019, for the offences punishable under Sections



307 of IPC., and 3(2)(v) of SC/ST (POA) Amendment Act, 2015, 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 26.05.2019 onwards.

5. The learned Additional Public Prosecutor 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 this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 14.06.2019 made in Crl.M.P.No.1463 of 2019 on the file of the Principal District and Sessions Judge, Ramanathapuram.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 14.06.2019 made in Crl.M.P.No.1463 of 2019 on the file of the Principal District and Sessions Judge, Ramanathapuram, 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 Principal District and Sessions Judge, Ramanathapuram, and on further conditions that:

[a] the appellant shall appear before the concerned Court, daily twice i.e. at 10:30 a.m., in the morning and 05:00 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 (AD II)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Principal District and Sessions Judge,
Ramanathapuram.

2.The Deputy Superintendent of Police,
Ramanathapuram, Ramanathapuram District.

3.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.

4.The Officer in Charge,
District Prison,
Ramanathapuram.

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

+1 cc Mr.C.SUSIKUMAR, Advocate, SR.No.78559

Cr1.A(MD)No.298 of 2019

KK/SAR/31.07.2019/3P-7C/