



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2019

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THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

Crl.A(MD)No.249 of 2019

1.Senthil Ganesh
2.Balasubramani

: Appellants/Accused 1 and 2

Vs.

1.The State rep by
The Deputy Superintendent of Police,
Ottanchatram,
Dindigul District.

2.The Inspector of Police,
Ottanchatram Police Station,
Dindigul District.

3.Karthick

: Respondents

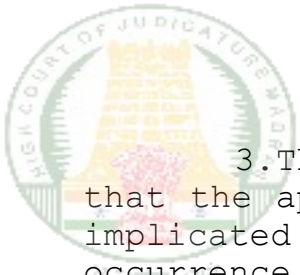
Prayer: Criminal Appeal has been filed under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016 against the order, dated 07.05.2019 made in Crl.M.P.No.8 of 2019 on the file of the Principal District and Vacation Sessions Judge, Dindigul and enlarge the appellant on bail in connection with crime No.32 of 2019 on the file of the 2nd Respondent Police.

For Appellant	: Mr.M.Mohamed Rafi
For R1 and R2	: Mr.R.Anandharaj
	Government Advocate
	(Criminal side)

JUDGMENT

This Criminal Appeal has been filed against the order, dated 07.05.2019 made in Crl.M.P.No.85 of 2019 on the file of the Vacation Sessions Judge, Dindigul and enlarge the appellant on bail.

2.The Appellant, who was arrested and remanded to judicial custody on 31.01.2019 for the offences punishable under Section 109, 302 IPC and 3(2)(v) of SC/ST (POA) Amendment Act, 2015, in Crime No.32 of 2019 on the file of the respondent police, seeks appeal bail.



3.The learned counsel appearing for the appellants submitted that the appellants are innocent persons and they have been falsely implicated in this case and they have nothing to do with the alleged occurrence and that the appellants are in jail since 31.01.2019 and there is no previous antecedent as against the appellants and they are only bread winner of the family.

4.The learned Government Advocate (Criminal side) appearing for the respondents 1 and 2 submitted that the earlier bail application filed by the appellant were dismissed and if they are released on bail, they will tamper the witnesses and prays for dismissal of the criminal appeal.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.Considering the facts and circumstances of the case and also considering the fact that the the petitioner is in jail since 31.01.2019 and they are only bread-winner of the family, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 7.05.2019 passed in Cr.M.P.No.8 of 2019, by the learned Vacation Sessions Judge, Dindigul.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 07.05.2019 passed in Cr.M.P.No.8 of 2019 by the learned Vacation Sessions Judge, Dindigul, is set aside. The appellants are ordered to be released on bail on each of them 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 Vacation Sessions Judge, Dindigul and on further condition that:

[a]the appellants shall report before the concerned court, daily twice at 10.30 a.m and 5.00 pm until further orders;

[b] the appellants shall not tamper with evidence or witness either during investigation or trial;

[c]the appellants shall not abscond either during investigation or trial; and

[d]On breach of any of the aforesaid conditions, the Trial Court is entitled to take appropriate action against the appellants 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

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To

1 The Principal District and Vacation
Sessions Judge, Dindigul.

2 The Deputy Superintendent of Police,
Ottanchatram,
Dindigul District.

3 The Inspector of Police,
Ottanchatram Police Station,
Dindigul District.

4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.MOHAMED RAFI, Advocate (SR-79251[F] dated 01/08/2019
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CrI.A(MD)No.249 of 2019
31.07.2019

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JM/07.08.2019/3P-6C