



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.07.2019

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A(MD)No.258 of 2019

1.Kannadhasan
2.Selvam
3.Kaleeswaran

: Appellants/A1 to A3
Vs.

1.The Deputy Superintendent of Police,
Ram Nagar, Devakottai,
Sivagangai District.

2.The Inspector of Police,
Devakottai Town Police Station,
Sivagangai District.

3.Sudhakar : Respondents
(R3 Impleaded as per the Order of Hon'ble Court made in CRL MP 5480
of 2019 in CRL A(MD) 258 of 2019 vide order dated 20.06.2019)

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 28.05.2019 made in Crl.M.P.No.2604 of 2019 on the file of the
Sessions Judge, Special Court for Exclusive Trial of cases under
SC/ST (POA) Act, 1989, Sivagangai and enlarge the appellants on
bail.

For Appellants

: Mr.B.Muruganandam

For R1 and R2

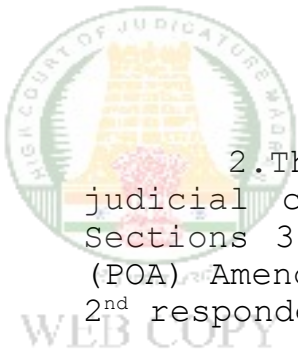
: Mr.R.Anandharaj
Addl. Public Prosecutor

For 3rd Respondent

: Mr.S.Baskar Mathuram

JUDGMENT

This Criminal Appeal has been filed against the order, dated
28.05.2019 made in Crl.M.P.No.2604 of 2019 on the file of the
Sessions Judge, Special Court for Exclusive Trial of Cases under
<https://hcservices.ecourts.gov.in/hcservices/>
SC/ST (POA) Act, 1989, Sivagangai and enlarge the appellants on
bail.



2.The Appellants/A1 to A3, who were arrested and remanded to judicial custody on 12.04.2019 for the offences punishable under Sections 341, 323 @ 341, 323, 302 IPC and Section 3(2)(v) of SC/ST (POA) Amendment Act 2015 in Crime No.94 of 2019 on the file of the 2nd respondent police, seek 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 12.04.2019 and there is no previous antecedent as against the appellants and hence, they may be released on bail.

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

5.Heard the learned counsel appearing for the 3rd respondent and also perused the materials available on record.

6.Considering the facts and circumstances of the case and also considering the fact that the the appellants are in jail since 12.04.2019 and they are only bread-winners of the family, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 28.05.2019 passed in Cr.M.P.No.2604 of 2019, by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai.

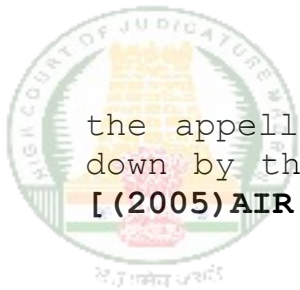
7.Accordingly, the Criminal Appeal is allowed and the order, dated 28.05.2019 passed in Cr.M.P.No.2604 of 2019 by the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai, is set aside. The appellants are ordered to be released on bail on each of 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 Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai 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]**.

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Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

To,

- 1.The Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai.
- 2.The Deputy Superintendent of Police, Ram Nagar, Devakottai, Sivagangai District.
- 3.The Inspector of Police, Devakottai Town Police Station, Sivagangai District.
- 4.The Superintendent of Borstal School, District Jail, Pudukkottai.
- 5.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.B.MURUGANANDAM, Advocate, SR.No.11339

Crl.A(MD)No.258 of 2019
09.07.2019

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