



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A(MD)No.280 of 2019

Selvam

: Appellant/A2

Vs.

1.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2.The State rep. by
Inspector of Police,
Jayamangalam Police Station,
Theni.

: Respondents/Complainant

3.Panju

: Respondent/Defacto Complainant

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 24.06.2019 made in Crl.M.P.No.1714 of 2019 on the file of the Principal Sessions Judge, (FAC), Theni and the appellant on bail.

For Appellant : Mr.K.Appadurai

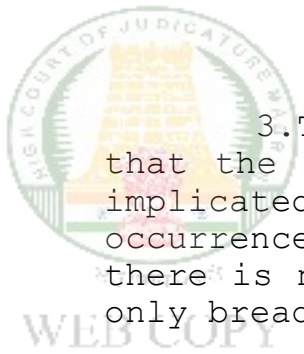
For R1 and R2 : Mr.APG Ohm Chairma Prabhu
Government Advocate
(Criminal side)

For 3rd Respondent : Mr.V.Selvakumar
(Legal Aid Counsel)

JUDGMENT

This Criminal Appeal has been filed against the order, dated 24.07.2019 made in Crl.M.P.No.1714 of 2019 on the file of the Principal Sessions Judge, (FAC), Theni and enlarge the appellant on bail.

2.The Appellant(A2), who was arrested and remanded to judicial custody on 13.06.2019 for the offences punishable under Sections 147, 341, 294(b), 323, 506(i) IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3(1)(r), 3(1)(s), 3(2)(va) & 3(1)(w)(i) of SC/ST Act, 2015, in connection with a case in Crime No.98 of 2019 on the file of the 2nd respondent police, seeks appeal bail.



3.The learned counsel appearing for the appellant submitted that the appellant is an innocent person and he has been falsely implicated in this case and he has nothing to do with the alleged occurrence and that the appellant is in jail since 13.06.2019 and there is no previous antecedent as against the appellant and he is 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 was dismissed by the trial court and and if the appellant is released on bail, he 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 petitioner is in jail since 13.06.2019 and he is only bread-winner of the family, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 24.06.2019 in Cr.M.P.No.1714 of 2019 by the learned Principal Sessions Judge, (FAC), Theni.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 24.06.2019 passed in Cr.M.P.No.1714 of 2019 by the learned Sessions Judge, (FAC), Theni, 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 Special Judge, (PRC cases), Theni and on further condition that:

[a]the appellant shall report before the concerned court, daily twice at 10.30 am and 5.00 pm 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; and

[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]**.

Sd/-

Assistant Registrar(CS-II)

// True Copy //



1.The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni District.

2.The Inspector of Police,
Jayamangalam Police Station,
Theni.

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

+1CC TO MR.K.APPADURAI, Advocate Sr. No. 78031

Crl.A(MD)No.280 of 2019
26.07.2019

AL(CO)
TR (26.07.2019) 3P 5C