



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2019

CORAM

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.A.(MD)No.365 of 2019

Murugaboopathi

... Appellant

Vs.

1.The State Represented by its,
The Deputy Superintendent of Police,
Mudukulathur,
Ramanathapuram District.

...1st Respondent/Investigation

Officer

2.The State Rep. by its,
The Inspector of Police,
Mudukulathur Police Station,
Ramanathapuram District.
(Crime No.122 of 2019)

...2nd Respondent / Complainant

3.Manojkumar

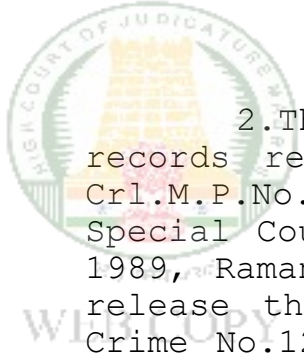
...3rd Respondent / Defacto Complainant

Prayer : This appeal is filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, to call for the entire records relating to the impugned order dated 09.08.2019 made in Crl.M.P.No.71 of 2019 on the file of the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram and to set aside the same and consequently to release the petitioner on bail in connection with the F.I.R. in Crime No.122 of 2019, pending investigation on the file of the 1st respondent police.

For Appellant	: Mr.M.S.Jeyakarthik
For R-1 & R-2	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl.Side)
For R3	: No Appearance

J U D G M E N T

Heard Mr.M.S.Jeyakarthik, learned counsel appearing for the appellant and Mr.A.P.G.Ohm Chairma Prabhu, learned Government Advocate (Criminal Side) appearing for the first and second respondents. No representation for the third respondent.



2.This Criminal Appeal has been filed to call for the entire records relating to the impugned order dated 09.08.2019 made in CrI.M.P.No.71 of 2019 on the file of the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram and to set aside the same and consequently to release the petitioner on bail in connection with the F.I.R. in Crime No.122 of 2019, pending investigation on the file of the 1st respondent police.

3.The Appellant, who was arrested and remanded to judicial custody on 04.08.2019, for the offences punishable under Sections 294(b) and 506(ii) of IPC., and 3(1)(r), 3(1)(s), 3(2)(va) of Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act 2015, on the file of the second 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 04.08.2019 onwards.

5.The learned Government Advocate (Crl.side) appearing for the first and second respondents, 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 and also considering the fact that the appellant is in custody from 04.08.2019 onwards, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 09.08.2019 made in CrI.M.P.No.71 of 2019 on the file of the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 09.08.2019 made in CrI.M.P.No.71 of 2019 on the file of the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, 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 the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, and on further condition that:

[a] the appellant shall appear before the concerned court, daily twice i.e., 10.30 a.m., and 5.00 p.m., 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 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 (Records)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Sessions Judge,
Special Court for Trial of Cases registered
under SC/ST (POA) Act, 1989,
Ramanathapuram.

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

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

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

5.The Station Officer,
District Prison,
Ramanathapuram.

COPY TO:
THE SECTION OFFICER,
CRIMINAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
(2 COPIES)

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-84719[F] dated
30/08/2019)

Cr1.A. (MD) No.365 of 2019