



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.10.2019

CORAM:

WEB COPY

THE HON'BLE MR. JUSTICE V.PARTHIBAN

Criminal Appeal (MD) No.387 of 2019

1.Ramar @ Raman

2.Velankanni

3.Sardhar

4.Dinesh @ Dineshkumar

5.Venkatesan @ Venkidu ... Appellants/A1, A4, A7-A9

vs.

1.State through
The Deputy Superintendent of Police,
Dindigul Rural.

2.The Inspector of Police
Dindigul Town North Police Station,
Dindigul on Cr.No.1059/2017. ... Respondents/Complainants

3.S.Kavitha ...3rd Respondent/Defacto Complainant

Prayer:

Criminal Appeal preferred under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016 against the order passed by the learned Sessions Judge (Special Court for SC/ST (POA) Act Cases, Dindigul in Cr.M.P.No.13 of 2019 dated 20.08.2019.

For appellants : Mr.J.Willam Christopher

For respondents : Mr.V.Neelakandan
Addl. Public Prosecutor (for R1 & R2)

Mr.S.S.Sahul Hameed (for R3)

JUDGMENT

The appellants, who are A1, A4, A7 to A9, along with other accused, were charged for the offences u/s 147, 148, 341 and 302, 120(b) r/w 149 IPC and Section 3(2) (V a) of the SC/ST (PoA) Act.



Pending trial, the appellants herein filed bail application, which, after hearing was dismissed by the trial court against which the present appeal is filed.

2. Learned counsel appearing for the appellants submits that there are infirmities and inconsistencies in the testimony of the prosecution witnesses and the appellants have a bright chance of succeeding even in the trial and, hence, prays for enlarging the appellants on bail. It is the further submission of the learned counsel for the appellants that no specific overt acts are attributed to the appellants during the commission of the offence. It is the further submission of the appellants that charge sheet has been filed and, therefore, the apprehension that the appellants would tamper with the witnesses would not arise and, therefore, prays for grant of bail.

3. Per contra, Mrs.V.Neelakandan, learned Additional Public Prosecutor, appearing for the respondents 1 and 2 submitted that the trial court, after detailed arguments by both sides, has rejected the application for bail by a well considered order and, therefore, no interference is called for with the said order and this petition is liable to be dismissed.

4. This Court gave its careful consideration to the submissions on either side and also perused the materials available on record.

5. On the basis of the submissions advanced by the learned on either side and the fact that no direct overt act has been attributed on the appellants herein as fairly conceded by the learned Addl. Public Prosecutor and the further fact that charge sheet has already been filed, this Court is inclined to allow the criminal appeal by setting aside the order dated 20.08.2019 made in Cr. M.P. No.13 of 2019 passed by the learned Sessions Judge, Special Court for SC/ST (POA) Act cases, Dindigul.

6. Accordingly, this appeal is allowed and the appellants are directed to be enlarged on bail on condition that the each of the appellant executes a bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the learned Sessions Judge, Special Court for SC/ST (POA) Act cases, Dindigul, and on further condition that the appellants shall appear before the said Court at 10.30 a.m. on the 1st working day of every week until further orders.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Sessions Judge
(Special court for SC/ST (POA) Act Cases),
Dindigul.

2. The Deputy Superintendent of Police,
Dindigul Rural.

3. The Inspector of Police
Dindigul Town North Police Station,
Dindigul on Cr.No.1059/2017.

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

COPY TO

1. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

2. THE OFFICER INCHARGE,
SUB JAIL, THENI.

3. THE OFFICER INCHARGE,
SUB JAIL, DINDIGUL.

+1CC TO MR.J.WILLIAM CHRISTOPHER, Advocate Sr. No. 90776

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NS (CO)

TR(23.10.2019) 3P 9C