

**BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT****DATE : 27.09.2019****CORAM****THE HONOURABLE MR. JUSTICE V.PARTHIBAN****CRL. A. (MD) NO. 420 OF 2019**

Ramasubbu .. Appellant/Accused No.2

- Vs -1. The Deputy Superintendent of Police
Srivilliputtur, Virudhunagar District.2. The State, rep. by
The Inspector of Police
Watrap Police Station
Virudhunagar District.

.. Respondents/Complainants

3. Periyasamy ..3rd Respondent/Defacto Complainant

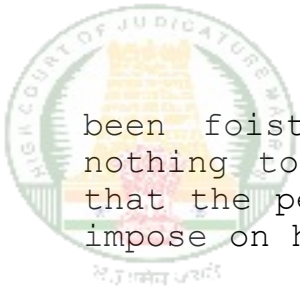
Criminal Appeal filed u/s 14 A(2) of the SC/ST (PoA) Act, 1989, against the order dated 06.9.2019 made in Cr. M.P. No.1101/2019 on the file of the District & Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act, Virudhunagar District @ Srivilliputtur, set aside the same and release the appellant on bail.

For Petitioner : Mr. V.Thirumal

For Respondents : Mr. V.Neelakandan, APP for RR-1 & 2
Mr. A.Arputharaj for R-3**ORDER**

The appellant, along with one another accused, were arrested and remanded to judicial custody in relation to Crime No. 239/2019 on the file of the 2nd respondent police for the offences u/s 294 (b), 506 (I) & (ii) IPC, Section 65, 66(A) & 67 of the Information Technology Act and Section 3 (1) (r) & 3 (1) (s) of the SC/ST (PoA) Act and the bail application filed by him in Crl. M.P. No. 1101/2019 was dismissed by the learned District & Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act, Virudhunagar District @ Srivilliputtur and aggrieved by the said order, the present appeal bail has been preferred.

2. It is the submission of the learned counsel for the appellant that the appellant is innocent and that a false case has



been foisted against him and other accused and that they have nothing to do with the alleged offence. It is further submitted that the petitioner will abide by any condition that this Court may impose on him.

3. Learned counsel appearing for the 3rd respondent/defacto complainant fairly submitted that he has no objection for grant of bail to this petitioner, who is arrayed as A-2, as even according to him, this petitioner was not involved in the offence attracting the provisions of the SC/ST (PoA) Act. Learned Addl. Public Prosecutor, who appears for the prosecuting agency, viz., respondents 1 and 2 also vouched for the said fact submitted by the learned counsel for the 3rd respondent.

4. Heard the learned counsel appearing for the appellant and the learned Addl. Public Prosecutor appearing for the respondent and perused the materials available on record.

5. On the basis of the submissions advanced by the learned counsel for the respondents, who fairly conceded that there is no direct involvement of A-2 in the offence, this Court is inclined to allow the criminal appeal by setting aside the order dated 06.9.2019 made in Cr. M.P. No.1101/2019 by the District & Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act, Virudhunagar District @ Srivilliputtur,

6. Accordingly, the appeal is allowed and the appellant is directed to be enlarged on bail on condition that 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 District & Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act, Virudhunagar District @ Srivilliputtur, and on further condition that the appellant shall appear before the said Court at 10.30 a.m. on the 1st working day of every month until further orders.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District & Sessions Judge
Special Court for Exclusive Trial of
Cases under SC/ST (PoA) Act
Virudhunagar District @ Srivilliputtur.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The Deputy Superintendent of Police
Srivilliputtur, Virudhunagar District.

3. The Inspector of Police
Watrap Police Station
Virudhunagar District.

4. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to M/s.V.THIRUMAL, Advocate (SR-16548[I] dated 27/09/2019)

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KK/SAR/30.09.2019/3P-6C/