



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 22.10.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. A. (MD) NO. 456 OF 2019

Raja @ Rajapandi

.. Appellant/1st Accused

- Vs -

1. The Deputy Superintendent of Police
Paramakudi
Ramanathapuram District.

2. The Inspector of Police
Paramakudi Town Police Station
Paramakudi
Ramanathapuram District. ..1st and 2nd Respondent/
Complainant

3. Murali .. Respondents/
Defacto Complainant

Criminal Appeal filed u/s 14 A(2) of the SC/ST (PoA) Act, 1989, against the order dated 26.09.2019 made in Cr. M.P. No.205/2019 on the file of the Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act, 1989 Ramanathapuram, set aside the same and release the appellant on bail.

For Petitioner : Mr. C.Susikumar

For Respondents : Mr. V.Neelakandan, APP for RR-1 & 2
No Appearance for R-3

JUDGMENT

The appellant was charged for the offences u/s 147, 294 (b), 323, 506(i) IPC and Section 3 (1) (r) and 3 (1) (s) of the SC/ST (PoA) Act. Pending trial, the appellant 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 submit that there are infirmities and inconsistencies in the testimony of the prosecution witnesses and the appellant has a bright chance of succeeding even in the trial and, hence, prays for enlarging the appellants on bail. It is further submitted by the learned counsel for the appellant that some of the co-accused in this case have already been granted bail by this Court.



3. Per contra, Mr. V.Neelakandan, learned Addl. Public Prosecutor, appearing for respondents 1 & 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. However, learned Addl. Public Prosecutor fairly concedes that this Court has already granted bail to few of the co-accused in this case.

4. Though notice was issued to the defacto complainant/3rd respondent, there is no appearance for the 3rd respondent. Even after service of notice on the 3rd respondent through police authorities, for which proof has been filed, there is no representation for the 3rd respondent. Therefore, the name of the 3rd respondent was directed to be printed in the cause list and the matter was directed to be listed today. Even today, there is neither representation for the 3rd respondent nor the 3rd respondent is present in person.

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

6. Considering the submissions advanced by the learned on either side and the fact that the trial of the case would take some time to complete and the further fact that the discrepancies pointed out by the learned counsel for the appellant really make out a case for extending the benefit prayed for, this Court is inclined to allow the criminal appeal by setting aside the order dated 26.9.2019 made in Cr. M.P. No.205/2019 passed by the Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act, Ramanathapuram, by granting bail to the appellant.

7. Accordingly, this 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 Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act, Ramanathapuram, 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 week until further orders.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

1. Sessions Judge
Special Court for Exclusive Trial of Cases under
SC/ST (PoA) Act, Ramanathapuram.

2. The Superintendent,
Sub Jail, Ramanathapuram.

3. The Deputy Superintendent of Police,
Paramakudi, Ramanathapuram District.

4. The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi, Ramanathapuram District.

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-93496[F] dated 22/10/2019)

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KK/SAR/23.10.2019/3P-7C/