



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 08.11.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. A. (MD) NO. 515 OF 2019

1. Pandiyammal
2. Rani

.. Appellants/Petitioners/
Accused 1 and 2

- Vs -

1. The State, rep. by
The Asst. Commissioner of Police
Thirupparankundram, Madurai Town.

2. The State, rep. by
The Inspector of Police
Thirunagar Police Station
Madurai District.
(Crime No.356 of 2019)

3. M.P.Sekar .. Respondents No.3/ Defacto Complainant

Criminal Appeal filed u/s 14 A(2) of the SC/ST (PoA) Act, 1989, against the order dated 18.10.2019 made in Cr. M.P. No.1219/2019 on the file of the Addl. Sessions Judge, (PCR), Madurai, set aside the same and release the appellants on bail.

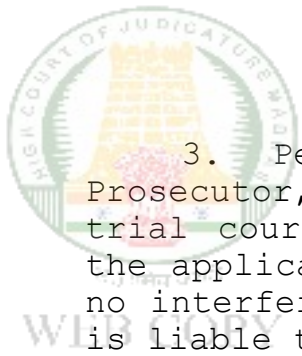
For Appellants : Ms. P.Krishnaveni

For Respondents : Mr. V.Neelakandan, APP for RR-1 & 2
Mr. M.P.Sekar, Party-in-Person

JUDGMENT

The appellants, along with other accused, were charged for the offences u/s 294 (b), 420, 506 (i) IPC r/w 3 (2) (a), 3 (1) (r) and 3 (1) (s) 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 submit that though the prosecution has completed much of the investigation, the trial court, without appreciating the materials available on record, has dismissed the application for bail, filed by the appellants. It is submitted by the learned counsel for the appellants that the appellants are women, more particularly, mother and daughter and that they have been falsely implicated in the case and they are under incarceration for more than 45 days. It is further submitted that the appellants will not indulge in any act hampering with the investigation and, hence, prays for enlarging the appellant on bail.



3. Per contra, Mr. V. Neelakandan, learned Addl. Public Prosecutor, appearing for 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. On notice to the 3rd respondent/defacto complainant, appeared in person and stoutly opposed grant of bail to the appellants and submitted that the safety and security of the defacto complainant would be at peril, if the appellants are released on bail. It is further submitted by the defacto complainant that the appellants, through various sources are continuously threatening the defacto complainant and, therefore, prayed for rejection of this appeal.

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 taking into consideration the incarceration of the appellants for a considerable period of time, this Court is inclined to allow the criminal appeal by setting aside the order dated 18.10.2019 made in Cr. M.P. No.1219/2019 passed by the Addl. District Judge, (PCR), Madurai, by granting bail to the appellants.

6. Accordingly, this appeal is allowed and the appellants are directed to be enlarged on bail on condition that each of the appellant executes a bond for a sum of Rs.5,000/- with two sureties, each for a likesum, to the satisfaction of the learned Addl. District Judge, (PCR), Madurai, 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 English calendar month until further orders.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Additional District Judge
(PCR), Madurai.

2. The Assistant Commissioner of Police,
Thirupparankundram, Madurai Town.

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



3.The Inspector of Police,
Thirunagar Police Station, Madurai District.

4.The Superintendent of Central Prison for Women, Madurai.

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

+1 cc M/s.P.KRISHNA VENI ,Advocate, SR.No. 97024

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KK/SAR/11.11.2019/3P-7C/