



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **31.01.2020**

CORAM

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

Crl.A(MD)No.18 of 2020

Marimuthu @ Mari

... Appellant/Accused No.5

Vs.

1.The State rep by

The Deputy Superintendent of Police,
Sipcot Police Station,
Thoothukudi District.

2.The state rep by

The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.

(Crime No.410 of 2019)

...1 and 2 Respondents/Complainants

3.Veeralakshmi

... 3rd Respondent/Defacto
Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Amendment Act 1 of 2016, to call for records relating to the impugned order dated 19.12.2019 made in Crl.M.P.No.3833 of 2019 on the file of the learned II Additional District and Sessions Judge (PCR Act Cases), Tirunelveli, and to set aside the same and consequently release the appellant on bail connection with the FIR in Crime No.410 of 2019 on the file of the second respondent police.

For Appellant

: Mr.S.Muthumalairaja

For R-1 & R-2

: Mr.V.Neelakandan
Additional Public Prosecutor

For R3

:No Appearance



J U D G M E N T

Heard Mr.S.Muthumalairaja, learned Counsel appearing for the appellant and Mr.V.Neelakandan, Additional Public Prosecutor appearing for the first and second respondents. No representation for the third respondent.

2.This Criminal Appeal has been filed to call for the records and set-aside the order passed by the learned II Additional District and Sessions Judge (PCR Act Cases), Tirunelveli, dated 19.12.2019 made in Crl.M.P.No.3833 of 2019 and enlarge the appellant on bail.

3.The Appellant, who is arrested and remanded to judicial custody on 17.10.2019, for the offences punishable under Sections 302, 201, 147, 506 (2) IPC and Section 3 (2) (v) of SC/ST ((POA) Act, 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 17.10.2019 onwards.

5.The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the appellant herein is arrayed as Accused No.5. He would further submit that if the appellant/Accused No.5 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.

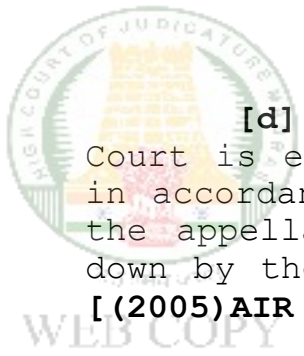
6.Considering the above facts and circumstances of the case and also considering the fact that, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 19.12.2019 made in Crl.M.P.No.1564 of 2019 on the file of the Principal District and Sessions Judge, virudhunagar at Srivilliputtur.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 11.11.2019 made in made in Crl.M.P.No.3833 of 2019 on the file of the learned II Additional District and Sessions Judge (PCR Act Cases), Tirunelveli, 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 II Additional District and Sessions Judge (PCR Act Cases), Tirunelveli, and on further condition that:

[a] the appellant shall appear before the concerned court, daily twice i.e. at 10:30 a.m., in the morning and 05:30 p.m., in the evening 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 appellants 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

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Sub Assistant Registrar(CS)

dss
To

1.The II Additional District and Sessions Judge
(PCR Act Cases),
Tirunelveli,

2.The Deputy Superintendent of Police,
Sipcot Police Station,
Thoothukudi District.

3.The Inspector of Police,
Sipcot Police Station,
Thoothukudi District.

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

+1cc to Mr.S.MUTHUMALAIRAJA, ADVOCATE, SR NO.4150

+1CC TO Mr.S.MANTHIRALINGESWARAN, ADVOCATE, SR NO.4343

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KK/SAR/03.02.2020/3P-7C/