



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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|---------------------|------------|
| Date of Reservation | 10.01.2020 |
| Date of Judgment    | 28.01.2020 |

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**THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI**Crl.A(MD)No.12 of 2020

Mageshwaran

: Appellant/A2

Vs.

1.The Deputy Superintendent of Police,  
Thiruppathur Range,  
Sivagangai District.

2.State rep. by its  
Inspector of Police,  
Ulagampatti Police Station,  
Sivagangai District.  
(Crime No.72 of 2019)

: R1 and R2/Respondents/  
Complainants

3.Saraswathi

: 3<sup>rd</sup> Respondent/Respondent/  
De-facto complainant

**Prayer:** Criminal Appeal filed under section 14-A(2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016 against the order of the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai, dated 30.12.2019 made in Crl.MP No.4418 of 2019.

For Appellant : Mr.S.Ramasamy

For R1 and R2 : Mr.V.Neelakandan  
Additional Public ProsecutorFor 3<sup>rd</sup> Respondent : Mr.R.M.Makesh Kumarvel**O R D E R**

This criminal appeal is directed against the order of the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai, dated 30.12.2019 made in Crl.MP No.4418 of 2019.



2.The case of the prosecution is that the appellant along with other accused assaulted the deceased Kumar by using iron pipe and stick by denigrating his Caste and the deceased sustained multiple injuries and died subsequently.

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3.The learned counsel appearing for the appellant submitted that the appellant is an innocent person and he has been falsely implicated in this case and he has nothing to do with the alleged occurrence and that the appellant is in jail from 05.11.2019 and he is only the bread-winner of the family.

4.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that the case is under investigation and if the appellant is released on bail, he will tamper the witnesses and prays for dismissal of the criminal appeal.

5.Heard the learned counsel appearing for the 3<sup>rd</sup> respondent and he has strongly opposed to allow the criminal appeal.

6.Considering the facts and circumstances of the case and also considering the fact that the the appellant is in jail since 05.11.2019 and he is only bread-winner of the family, this Court is inclined to allow the Criminal Appeal by setting aside the order passed in Crl.MP No.4418 of 2019, dated 30.012.2019 by the Sessions Judge, Special Court for exclusive trial of cases under SC/ST (POA) Act 1989, Sivagangai.

7.Accordingly, this Criminal Appeal is **allowed** and the order passed in Crl.MP No.4418 of 2019, dated 30.012.2019 by the Sessions Judge, Special Court for exclusive trial of cases under SC/ST (POA) Act 1989, Sivagangai, 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 learned Sessions Judge and on further condition that the **appellant/A2 shall stay at Tuticorin and report before the Inspector of Police, South Police Station, Tuticorin daily at 10.30 am and 05.00 pm until further orders.**

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1. The Sessions Judge,  
Special Court for Exclusive Trial of cases  
under SC/ST (POA) Act, 1989, Sivagangai.

2. The Deputy Superintendent of Police,  
Thiruppathur, Sivagangai District.

3. Inspector of Police,  
Ulagampatty Police Station,  
Sivagangai District.

4. The Inspector of Police, South Police Station,  
Tuticorin.

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

+1 CC to M/s.S.RAMASAMY, Advocate ( SR-3316[F] dated 28/01/2020 )

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28.01.2020

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