



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2020

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

Crl.A. (MD)No.15 of 2020

Karuppaiah ... Appellant/Sole Accused

Vs.

1.State through
The Deputy Superintendent of Police,
Paramakudi Circle,
Ramanathapuram District. ...1st Respondent/Investigation Officer

2.State through
The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
(Crime No.226 of 2019) ...2nd Respondent/Complainant

3.Kodeeswari ...3rd Respondent/De facto Complainant

Prayer : This appeal is filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016, to call for the entire records relating to the order dated 04.01.2020 made in Cr.M.P.No.630 of 2019 on the file of the learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram and to set aside the same as arbitrary and consequently to release the petitioner on bail in connection with the FIR in Crime No.226 of 2019 on the file of the respondent police.

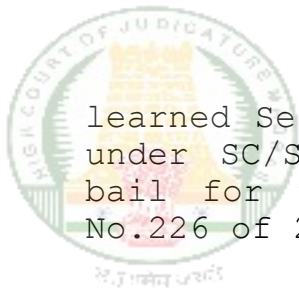
For Appellant : Mr.M.S.Jeyakarthick

For R-1 & R-2 : Mr.V.Neelakandan
Additional Public Prosecutor

J U D G M E N T

Heard Mr.M.S.Jeyakarthick, learned counsel appearing for the appellant and Mr.V.Neelakandan, learned Additional Public Prosecutor appearing for the first and second respondents.

2.This Criminal Appeal has been filed to set aside the order in Cr.M.P.No.630 of 2019, dated 04.01.2020 on the file of the
<https://hcservices.ecourts.gov.in/hcservices/>



learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram and further to grant bail for the above said Appellant/sole accused related to Crime No.226 of 2019 on the file of the second respondent police.

3.The Appellant, who is arrested and remanded to judicial custody on 24.12.2019, for the offence punishable under Sections 294(b), 323, 506(ii) of IPC and 4 of Women Harrassment Act r/w 3(1) (6) of SC/ST (POA) Amendment Act, 2015, 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 24.12.2019 onwards.

5.The learned Additional Public Prosecutor appearing for the first and second respondents, on instructions, would submit that the appellant herein is arrayed as sole accused. He would further submit that if the appellant/sole accused 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, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 04.01.2020 made in Crl.M.P.No.630 of 2019 on the file of the learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 04.01.2020 made in Crl.M.P.No.630 of 2019 on the file of the learned Sessions Judge, Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, 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, Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, and on further condition that:

[a] the appellant shall appear before the concerned court, daily at 10.30 a.m. 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 appellant 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].

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Sd/-

Assistant Registrar (AD-II)

/ /2020

Sub Assistant Registrar(CS)

vsd/cp

To

1.The Sessions Judge, Special Court for trial of cases
registered under SC/ST (POA) Act, 1989,
Ramanathapuram.

2.The Deputy Superintendent of Police,
Paramakudi Circle,
Ramanathapuram District.

3.The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.

4.The Officer-in-Charge,
District Jail, Ramanathapuram.

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

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-1524[F] dated 10/01/2020

Crl.A. (MD)No.15 of 2020

10.01.2020

JMN(10.01.2020) 3P : 7C