



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **29.01.2020**

CORAM

WEB COPY

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

Crl.A(MD)No.19 of 2020

Sudalai @ Subash

... Appellant/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The State Rep. by
The Inspector of Police,
Ilathur Police Station,
Tirunelveli.
(In Crime No.274 of 2019)

3.Palani

... Respondents/Complainants

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and 1 of 2016 Amendment Act, to set aside the dismissal order of the bail petition in Cr.M.P.No.3851 of 2019 on the file of the II Additional Sessions Judge, Tirunelveli, dated 19.12.2019, by allowing this Criminal Appeal.

For Appellant : Mr.S.Murugan

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.Murugan, 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 set aside the dismissal order of the bail petition in Cr.M.P.No.3851 of 2019 on the file of the learned II Additional District and Sessions Judge (FAC), Tirunelveli, dated 19.12.2019.

WEB COPY

3.The Appellant, who is arrested and remanded to judicial custody on 06.12.2019, for the offences punishable under Sections 294(b), 307, 324 and 506(ii) of IPC and under Sections 3(1)(r), 3(1)(s) and 3(2)(v) of SC/ST (Prevention of Atrocities Act) 2015, on the file of the 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 06.12.2019 onwards.

5.The learned Additional Public Prosecutor appearing for the respondent police, 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 19.12.2019 made in Cr.M.P.No.3851 of 2019 on the file of the learned II Additional District and Sessions Judge (FAC), Tirunelveli.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 19.12.2019 made in Cr.M.P.No.3851 of 2019 on the file of the learned II Additional District and Sessions Judge (FAC), 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 & Sessions Court (PCR), 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 (CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS-II)

vsd
To

- 1.The II Additional District & Sessions Judge (PCR),
Tirunelveli.
 - 2.The Deputy Superintendent of Police,
Tirunelveli District,Tirunelveli.
 - 3.The Inspector of Police,
Ilathur Police Station,
Tirunelveli.
 - 4.The Superintendent,
Central Prison, Palayamkottai.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to Mr.A.HAJA MOHIDEEN Advocate SR.No.1770

Crl.A(MD)No.19 of 2020
29.01.2020

vsd

TK/SAR.2/29.01.2020/3P/7C