



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **10.02.2020**
CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A(MD)No.56 of 2020

Ponraj
S/o.Thangavel

... Appellant/Petitioner

Vs.

1.The State of Tamil Nadu Rep. by
The Deputy Superintendent of Police,
Thoothukudi District.

2.The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.

(In Crime No.1 of 2020) ... Respondents 1 & 2/Complainants

3.M.Mahendran

... 3rd Respondent/De facto Complainant

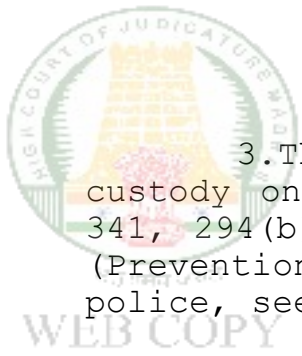
Prayer : This Appeal is filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015, to allow this appeal and set aside the impugned order passed by the II Additional District and Sessions Judge (F.A.C), Tirunelveli (III Additional Sessions Judge, Tirunelveli), dated 23.01.2020 in Cr.M.P.No.141 of 2020 and pleased to grant bail to the appellant and enlarge him on bail in connection with Crime No.1 of 2020 on the file of the Meignanapuram Police Station, Thoothukudi District.

For Appellant	: Mr.N.Dilip Kumar
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.N.Dilip Kumar, learned Counsel appearing for the appellant and Mr.V.Neelakandan, learned 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.141 of 2020 on the file of the learned II Additional District and Sessions Judge (F.A.C), Tirunelveli (III Additional Sessions Judge, Tirunelveli), dated 23.01.2020.



3.The Appellant, who is arrested and remanded to judicial custody on 06.01.2020, for the offences punishable under Sections 341, 294(b), 324 of IPC and 3(1)(r), 3(1)(s) and 3(2)(va) 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 06.01.2020 onwards.

5.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that the appellant herein is arrayed as Accused No 2. He would further submit that if the appellant/Accused No.2 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 23.01.2020 made in Cr.M.P.No.141 of 2020 on the file of the learned II Additional District and Sessions Judge (F.A.C), Tirunelveli (III Additional Sessions Judge, Tirunelveli).

7.Accordingly, the Criminal Appeal is allowed and the order, dated 23.01.2020 made in Cr.M.P.No.141 of 2020 on the file of the learned II Additional District and Sessions Judge (F.A.C), Tirunelveli (III Additional Sessions Judge, 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 learned II Additional District and Sessions Judge (F.A.C), Tirunelveli (III Additional Sessions Judge, 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].

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Sd/-

Assistant Registrar

/ /2020

Sub Assistant Registrar(CS)

Vsd

To

1. The II Additional District and Sessions Judge (F.A.C),
Tirunelveli (III Additional Sessions Judge, Tirunelveli),
2. Thro' the Principal District and Sessions judge,
Tirunelveli
3. The Deputy Superintendent of Police,
Thoothukudi District.
4. The Inspector of Police,
Meignanapuram Police Station,
Thoothukudi District.
5. The Superintendent,
Central Prison, Palayamkottai
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-5636[F] dated 11/02/2020)

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MK (11.02.2020) 3P 8C