



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2020

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

Crl.A(MD)No.57 of 2020

1.Selvam
2.Nagaraj
3.Muthuramu
4.Muthammal

... Appellants/Accused Nos.1 to 4

Vs.

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

2.The Inspector of Police,
Kandavarayanpatti Police Station,
Sivagangai District.

(In Crime No.7 of 2019)

...Respondents 1 &

2/Complainants

3.Vairamuthu

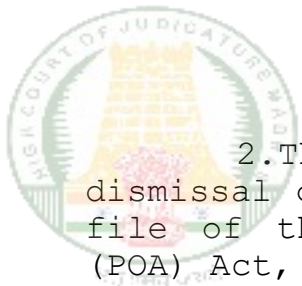
...3rd Respondent/*De facto* Complainant

Prayer : This Appeal is filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Amended Act 1 of 2016, to call for the records pertaining to the order, dated 24.01.2020 made in Cr.M.P.No.70 of 2019 on the file of the Sessions Judge (Additional Incharge) SC/ST (POA) Act, 1989, Special Court, Sivagangai and to set aside the same and enlarge the appellant on bail in connection with Crime No.7 of 2019 on the file of the 2nd respondent police by allowing this Criminal Appeal.

For Appellants : Mr.S.T.Sasidharan Tamilkani
For R-1 & R-2 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Crl.side)

J U D G M E N T

Heard Mr.S.T.Sasidharan Tamilkani, learned Counsel appearing for the appellant and Mr.A.P.G.Ohm Chairma Prabhu, learned Government Advocate (Crl.side) appearing for the first and second respondents.



2.This Criminal Appeal has been filed to set aside the dismissal order of the bail petition in Cr.M.P.No.70 of 2019 on the file of the learned Sessions Judge (Additional Incharge) SC/ST (POA) Act, 1989, Special Court, Sivagangai, dated 24.01.2020.

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3.The Appellants, who are arrested and remanded to judicial custody on 16.01.2020, for the offence punishable under Sections 294 (b), 109, 307 of IPC and Section 3(1)(iv), 3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities Act) Amendment Act, 1989, on the file of the respondent police, seeks appeal bail.

4.The learned counsel appearing for the appellants would submit that the appellants have been falsely implicated in this case and the same has not been considered properly and the appellants are in custody from 16.01.2020 onwards.

5.The learned Government Advocate (Crl.side) appearing for the respondent police, on instructions, would submit that the appellants herein are arrayed as A1 to A4. He would further submit that if the appellants/ A1 to A4 are released on bail, they will tamper with the prosecution witnesses and hamper the investigation and therefore, he objected to grant bail to the appellants.

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 24.01.2020 made in Cr.M.P.No.70 of 2019 on the file of the learned Sessions Judge (Additional Incharge) SC/ST (POA) Act, 1989, Special Court, Sivagangai.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 24.01.2020 made in Cr.M.P.No.70 of 2019 on the file of the learned Sessions Judge (Additional Incharge) SC/ST (POA) Act, 1989, Special Court, Sivagangai, is set aside. The appellants are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- each (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge (Additional Incharge) SC/ST (POA) Act, 1989, Special Court, Sivagangai, and on further condition that:

[a] the appellants 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 appellants shall not tamper with evidence or witness either during investigation or trial;

[c] the appellants 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 appellants 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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/True copy/

Sd/
Assistant Registrar

/02/2020
Sub Assistant Registrar

vsd

To

- 1.The Sessions Judge (Additional Incharge) SC/ST (POA) Act, 1989, Special Court, Sivagangai.
- 2.The Deputy Superintendent of Police, Thiruppathur Range, Sivagangai District.
- 3.The Inspector of Police, Kandavarayanpatti Police Station, Sivagangai District.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-7450[F] dated 20/02/2020)

CrI.A(MD)No.57 of 2020
20.02.2020

KK/SAR/21.02.2020/3P-6C