



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2020

CORAM

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Cr1.A(MD)No.63 of 2020

Vincent Jebastheyam ... Appellant/Accused (Rank not Known)

Vs.

1.The Assistant Commissioner of Police,
Tirunelveli Junction,
Tirunelveli City. ...1st Respondent/Investigation Officer

2.The Inspector of Police,
Town Police Station,
Tirunelveli.
(Crime No.12 of 2020) ...2nd Respondents/Complainants

3.Kombaiah ...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 relating to the order in Cr.M.P.No.247 of 2020, dated 29.01.2020 on the file of the Sessions Judge, Tirunelveli Division, II Additional District & Sessions Judge, Tirunelveli, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Tirunelveli and set aside the same and grant bail to the appellant by allowing this Criminal Appeal.

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

J U D G M E N T

Heard Mr.C.Susikumar, 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.247 of 2020 on the file of the learned Sessions Judge, Tirunelveli Division, II



Additional District & Sessions Judge, Tirunelveli (FAC),
Tirunelveli, dated 29.01.2020.

3.The Appellant, who is arrested and remanded to judicial custody on 11.01.2020, for the offence punishable under Sections 294(b), 323, 324, 506(i) and 379 (N.P) IPC and Section 3(1)(r)(s), 3(2)(va) of SC/ST (Prevention of Atrocities Act) Amendment 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 11.01.2020 onwards.

5.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that the appellant herein is arrayed as 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 29.01.2020 made in Cr.M.P.No.247 of 2020 on the file of the learned Sessions Judge, Tirunelveli Division, II Additional District & Sessions Judge, Tirunelveli (FAC), Tirunelveli.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 29.01.2020 made in Cr.M.P.No.247 of 2020 on the file of the learned Sessions Judge, Tirunelveli Division, II Additional District & Sessions Judge, Tirunelveli (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 learned Sessions Judge, Tirunelveli Division, II Additional District and Sessions Judge, Tirunelveli, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, 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(CO)

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Sub Assistant Registrar(CS)

vsd

To

1.The Sessions Judge, Tirunelveli Division,
II Additional District & Sessions Judge, Tirunelveli,
Special Court for Exclusive Trial of Cases
under SC/ST (POA) Act, 1989, Tirunelveli .

2.The Assistant Commissioner of Police,
Tirunelveli Junction,
Tirunelveli City.

3.The Inspector of Police,
Town Police Station,
Tirunelveli.

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

5.The Superintendent, Central Prison, Palayamkottai.

+1 CC to M/s.C.SUSIKUMAR, Advocate (SR-6624[F] dated 17/02/2020)

Cr1.A(MD)No.63 of 2020

17.02.2020

NS (CO)

TR(18.02.2020) 3P 7C

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