



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2020

CORAM

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

Cr1.A(MD)No.70 of 2020

Thirunavukkarasu

... Appellant/Accused No.1

Vs.

1.State through

The Deputy Superintendent of Police,
D.S.P. Office,
Manamadurai Taluk,
Sivagangai District - 630 606.

2.The Inspector of Police,

Sipcot Police Station,
Manamadurai Taluk,
Sivagangai District - 630 606.

(In Crime No.14 of 2005) ...1st & 2nd Respondents/Complainants

3.Late.Thangarasu

...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 04.02.2020 made in Cr.M.P.No.130 of 2020 on the file of the Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Sivagangai and to set aside the same as arbitrary and consequently to release the petitioner on bail in S.C.No.102 of 2018.

For Appellant	: Mr.R.Senthilkumar
For R-1 & R-2	: Mr.V.Neelakandan
	Additional Public Prosecutor
R3	: Abated

J U D G M E N T

Heard Mr.R.Senthilkumar, 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 dismissal order of the bail petition in Cr.M.P.No.130 of 2020 on the file of the learned Sessions Judge, Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Sivagangai, dated 04.02.2020.

3.The Appellant, who is arrested and remanded to judicial custody on 21.01.2019, for the offence punishable under Sections 324, 326 and 307 of IPC and Section 3(1)(x), 3(2)(va) of SC/ST (Prevention of Atrocities Act), 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 21.01.2019 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.1. He would further submit that if the appellant/Accused No.1 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 04.02.2020 made in Cr.M.P.No.130 of 2020 on the file of the learned Sessions Judge, Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Sivagangai.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 04.02.2020 made in Cr.M.P.No.130 of 2020 on the file of the learned Sessions Judge, Special Court for Trial of cases registered under SC/ST (POA) Act, 1989, Sivagangai, is set aside. The appellant is ordered to be released on bail on him 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, Sivagangai, 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(AD-II)

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/ /2020

Sub Assistant Registrar(CS)

vsd

To

- 1.The Sessions Judge, Special Court for Trial of Cases
registered under SC/ST (POA) Act, 1989, Sivagangai
- 2.The Deputy Superintendent of Police,
D.S.P. Office,
Manamadurai Taluk,
Sivagangai District - 630 606.
- 3.The Inspector of Police,
Sipcot Police Station,
Manamadurai Taluk,
Sivagangai District - 630 606.
- 4.The Officer in charge,
Sub Jail, Sivagangai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.R.SENTHILKUMAR, Advocate Sr. No. 4215

Cr1.A(MD)No.70 of 2020
27.02.2020

SVM(CO)

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