



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.02.2020**

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

Crl.A(MD)No.73 of 2020

Siva @ Chidambaram

... Appellant

Vs.

1.The Assistant Commissioner (L & O),
Tirunelveli Town,
Tirunelveli City.

2.The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli.
(Crime No.88 of 2018)

3.Sudalaikannu

...Respondents

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 records pertaining to the order, dated 09.01.2020 made in Cr.M.P.No.4002 of 2019 on the file of the II Additional District and Sessions Judge, Tirunelveli and set aside the same and enlarge the appellant on bail in connection with S.C.No.141 of 2018 on the file of the II Additional District and Sessions Judge, Tirunelveli by allowing this Criminal Appeal.

For Appellant	: Mr.T.Lenin 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.T.Lenin Kumar, learned Counsel appearing for the appellant and Mr.V.Neelakandan, learned Additional Public Prosecutor
<https://hcservices.ecourts.gov.in/hcservices/>



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.4002 of 2019 on the file of the learned II Additional District and Sessions Judge, (FAC), Tirunelveli (III Additional Sessions Judge, Tirunelveli), dated 09.01.2020.

3.The Appellant, who is arrested and remanded to judicial custody on 31.07.2019, for the offence punishable under Sections 341, 323, 324, 307, 506(ii) of IPC and Section 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 31.07.2019 onwards.

5.The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that if the appellant/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 09.01.2020 made in Cr.M.P.No.4002 of 2019 on the file of the learned II Additional District and Sessions Judge, (FAC), Tirunelveli (III Additional Sessions Judge, Tirunelveli).

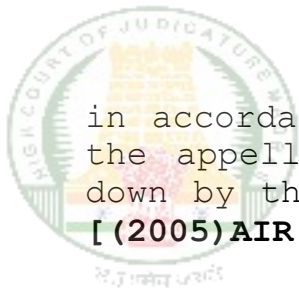
7.Accordingly, the Criminal Appeal is allowed and the order, dated 09.01.2020 made in Cr.M.P.No.4002 of 2019 on the file of the learned II Additional District and Sessions Judge, (FAC), Tirunelveli (III Additional Sessions Judge, Tirunelveli), is set aside. The appellant is ordered to be released on 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 II Additional District and Sessions Judge, Tirunelveli, and on further condition that:

[a] the appellant shall appear before the concerned court, daily at 10:30 a.m. 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



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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

/True copy/

/ /2020
Sub Assistant Registrar

vsd

To

1.The II Additional District and Sessions Judge, (FAC),
Tirunelveli (III Additional Sessions Judge, Tirunelveli).

2.The Assistant Commissioner (L & O),
Tirunelveli Town,
Tirunelveli City.

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

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

Copy to:

The Superintendent,
Central Prison, Tirunelveli.

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-7862[F] dated 24/02/2020)

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24.02.2020

KK/SAR/25.02.2020/3P-7C