



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2020

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

Cr1.A(MD)No.100 of 2020

Mariappan ... Appellant/Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Thoothukudi District.

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

(Crime No.30 of 2020) ...1st and 2nd Respondents/Respondent/
Complainants

3.Nallathambi ...3rd Respondent/De-facto Complainant

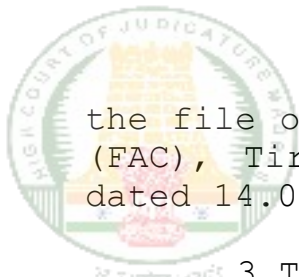
Prayer : This Appeal is filed under Section 14(A)(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 2015, to call for the records pertaining to the order, dated 14.02.2020 made in Cr.M.P.No.338 of 2020 on the file of the II Additional District and Sessions Judge, Tirunelveli and set aside the same and enlarge the appellant on bail in connection with Crime No.30 of 2020 on the file of the respondent by allowing this Criminal Appeal.

For Appellant	: Mr.D.Venkatesh
For R-1 & R-2	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl.side)
For R3	: Nallathambi (Party-in-person)

J U D G M E N T

Heard Mr.D.Venkatesh, 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 and the third respondent who appeared in person.

2.This Criminal Appeal has been filed to set aside the ~~disposal order~~ of the bail petition in Cr.M.P.No.338 of 2020 on



the file of the learned II Additional District and Sessions Judge, (FAC), Tirunelveli (III Additional Sessions Judge, Tirunelveli), dated 14.02.2020.

3.The Appellant, who is arrested and remanded to judicial custody on 31.01.2020, for the offence punishable under Sections 341, 294(b), 323, 427 and 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 31.01.2020 onwards.

5.The learned Government Advocate (Cr1.side) appearing for the respondent police, on instructions, would 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 14.02.2020 made in Cr.M.P.No.338 of 2020 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 14.02.2020 made in Cr.M.P.No.338 of 2020 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 twice i.e. at 10:30 a.m. and 5.00 p.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 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(CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

To

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

2.The II Additional District Judge(PCR), Tirunelveli.

3.The Deputy Superintendent of Police,
Kovilpatti Sub Division, Thoothukudi District.

4.The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.

5. The Officer Incharge, Sub Jail, Kovilpatti.

copy to

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

2. The Section Officer,Criminal Section(Records),
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.D.VENKATESH, Advocate (SR-9799[F] dated 03/03/2020)

Cr1.A(MD)No.100 of 2020

03.03.2020

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