



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.A.(MD)No.169 of 2020

S.Rajaji

... Appellant / Petitioner

-Vs-

1.The Deputy Superintendent of Police,
Thiruchuli Circle,
Narikudi Police Station,
Virudhunagar District.
(Crime No.93 of 2020)

... 1st Respondent / Respondent

2.Amaravathi

...2nd Respondent / Defacto
Complainant

PRAYER: Criminal Appeal filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act 2016, praying to set aside the order made in Crl.M.P.(MD)No.638 of 2020 dated 21.05.2020 on the file of the learned Sessions Judge for SC/ST (POA) Act cases, Special Court, Srivilliputhur and thereby release the appellant on bail in Crime No.93 of 2020 on the file of the first respondent police.

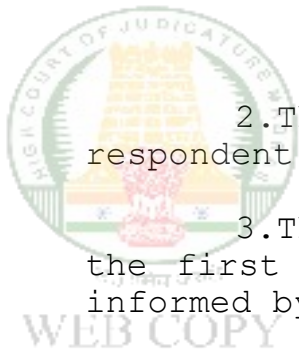
For Appellant : Mr.D.Sadiq Raja

For R1 : Mr.A.Robinson,
Government Advocate (Crl.Side).

For R2 : No Appearance

JUDGMENT

The appellant is figuring as accused in Crime No.93 of 2020 registered on the file of the first respondent. The second respondent is the defacto complainant. The case has been registered for the offences punishable under Sections 294(b), 323, 324, 506(ii) IPC and Section 4 of TNPWH Act and Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC / ST (POA) Amendment Act, 2015. The petitioner is in custody since 03.05.2020. The Court below has denied the relief to the appellant. Questioning the same, this Criminal Appeal has been filed.



2.This matter was taken up on 03.06.2020 and the second respondent was directed to be informed by the first respondent.

3.The learned Government Advocate (Crl.Side) appearing for the first respondent states that the second respondent was orally informed by the first respondent.

4.This can be taken as sufficient service, considering the present circumstances. Only simple injury was caused to the victim. I am of the view that continued incarceration of the appellant is not necessary. In this view of the matter, the impugned order dated 21.05.2020 is set aside and this Criminal Appeal is allowed and the appellant is ordered to be released on bail, subject to the following conditions:-

(i) the petitioner shall be released on own bond by the Magistrate without insisting on sureties. However, the petitioner is directed to execute 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 for SC/ST (POA) Act cases, Special Court, Srivilliputhur, after the concerned Court is reopened.

(ii)the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii)on breach of any of the aforesaid conditions, the Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the Magistrate/Trial Court himself 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(CS)

Myr

To

1.The Sessions Judge for SC/ST (POA) Act cases,
Special Court, Srivilliputhur, Virudhunagar District.



2.The Deputy Superintendent of Police,
Thiruchuli Circle,
Narikudi Police Station,
Virudhunagar District.

3.The Superintendent,
Central Prison,
Madurai.

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

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

CRL.A. (MD) No.169 of 2020

10.06.2020

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