



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 16.06.2020

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THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

CRL. A. (MD) No.189 OF 2020

- 1.Prasath
- 2.Pandiyaraj @ Pandiyarajan
- 3.Subash @ Subashchandraboss
- 4.Ajith @ Ajithkumar
- 5.Sibiraj @ Sibirajan
- 6..Manikandan @ Thavamanikandan
- 7.Muralitharan
- 8.Sathaiya
- 9.Pandi @ Sethupandiyar
- 10.Gokulakannan
- 11.Karthikeyan
- 12.Kanniappan
- 13.Rathinam
- 14.Narayanamoorthi

.. Appellants/Petitioners
Accused 1 to 5 and 7 to 15

- Vs -

1. The State represented by
The Inspector of Police
Ilayangudi Police Station
Sivagangai District.
(Crime No.233 of 2020)

... 1st Respondent/Complainants

3. Ranjithkumar

..2nd Respondents/Defacto Complainant

Criminal Appeal filed u/s 14 A(2) of the SC/ST (PoA) Act, 1989, to set aside the order dated 04.06.2020 made in Cr. M.P. No.389 of 2020 on the file of the Special Court for Exclusive Trial of cases under SC/ST (POA) Act 1989, Sivagangai, and consequently enlarge the appellants on bail in connection with the above Crime No.233 of 2020 on the file of the first respondent.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (crl.side)
(for R1)
Mr.S.Vikram (for R2)

**JUDGMENT**

The appellants, who are A-1 to A-5 and A-7 to A-15, along with other accused, were charged for the offences u/s 147, 148, 294(b), 324, 326, 307 r/w 3(1)(X) & 3(2)(v) of SC/ST Act. Pending trial, the appellants herein filed bail application, which after hearing was dismissed by the trial court, against which, the present appeal is filed.

2. Learned counsel appearing for the appellants submits that though the prosecution has completed much of the investigation, the trial court, without appreciating the materials available on record, has dismissed the application for bail, filed by the appellants and that the appellants will not indulge in any act hampering with the investigation and, hence, prays for enlarging the appellants on bail.

3. Per contra, Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side), appearing for the first respondent submitted that the trial court, after detailed arguments by both sides, has rejected the application for bail by a well considered order and, therefore, no interference is called for with the said order and this petition is liable to be dismissed. Further, he submitted that in this case, three persons sustained injuries and the de-facto complainant lost his left hand and other two also sustained injury. Further, he submitted that it is a case of case in counter registered by police.

4. Heard the learned counsel appearing for the second respondent.

5. This Court gave its careful consideration to the submissions on either side and also perused the materials available on record.

6. Considering the submissions advanced by the learned counsel appearing on either side and the fact that the trial of the case would take some time to complete and taking into consideration the incarceration of the appellants for a considerable period of time, this Court is inclined to allow the criminal appeal by setting aside the order dated 04.06.2020 made in Crl. M.P. No.389/2020 passed by the Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act, 1989, Sivagangai, by granting bail to the appellants.

7. Accordingly, this appeal is allowed and the appellants are directed to be enlarged on bail on condition that the each of the appellant executes a bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the learned



Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (PoA) Act, 1989, Sivagangai, and on further condition that the appellants shall appear before the said Court at 10.30 a.m. on the 1st working day of every week until further orders.

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Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SKN

To

1. The Sessions Judge,
Special Court for Exclusive Trial of Cases
under SC/ST (PoA) Act, 1989, Sivagangai.
2. The Superintendent Central Prison,
Madurai.
3. The Inspector of Police
Ilayangudi Police Station
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

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VB (16.06.2020) 3P 5C