



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2020

WEB COPY

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.A.(MD)No.191 of 2020

Karthik, S/o.Pandi

... Appellant / Appellant

Vs.

1.State represented by
The Deputy Superintendent of Police,
Ramanathapuram Sub Division,
Ramanathapuram District.

2.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No.67 of 2020)

3.Vairava Kesu, S/o.Kaliyappan

... Respondents / Respondent

Criminal Appeal filed under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016, to call for the records pertaining to the order passed by the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, in Cr.M.P.No.373 of 2020, dated 30.04.2020, set aside the same and to enlarge the appellant on bail in Crime No.67 of 2020, on the file of the second respondent.

For Appellant : Mr.S.M.A.Jinnah

For R1 and R2 : Mr.R.Anandharaj
Additional Public Prosecutor

For R3 : No Appearance



JUDGEMNT

Heard the learned counsel appearing for the appellant and the learned Additional Public Prosecutor appearing for the respondents 1 and 2. Though notice has been served on the third respondent/de-facto complainant and his name is printed in the cause list, there is no representation on behalf of him.

2.This Criminal Appeal has been filed seeking to set aside the order passed by the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, in Cr.M.P.No.373 of 2020, dated 30.04.2020, and enlarge the appellant on bail in Crime No.67 of 2020, on the file of the second respondent.

3.The contention of the learned counsel appearing for the appellant is that the appellant is an innocent person and he has nothing to do with the alleged offence. The present complaint has been lodged to harass him and his family members. It is only a motor accident, where one Aravindan died, when he was travelling in a two wheeler as a billion rider. However, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that due to previous enmity, the two wheeler, in which, the said Aravindan, who sat on the billion, driven by one Kalyana Kumar was hit by an unregistered Hyundai Creta White colour Car and the petitioner along with others were found to have perpetrated that crime.

4.The learned counsel appearing for the appellant would submit that all other accused have already been granted bail, since substantial part of the investigation was over and also by now, 90 days have crossed after the arrest of the petitioner, so far the prosecution has not filed final report.

5.Considering all these facts in cumulation, the order passed by the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, in Cr.M.P.No.373 of 2020, dated 30.04.2020, is set aside and the appellant is ordered to be released on bail on the following conditions:-

(i) The appellant shall 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, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.



(ii) The appellant shall report before the respondent police as and when required and shall not leave the District of Ramanathapuram without prior permission of the Investigation Officer.

6. Accordingly, this Criminal Appeal is allowed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Note:- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Sessions Judge,
Special Court for Trial of Cases registered
under SC/ST (POA) Act,
Ramanathapuram.
2. The Deputy Superintendent of Police,
Ramanathapuram Sub Division,
Ramanathapuram District.
3. The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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29.06.2020

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SDS (03.07.2020) 3P-5C