



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 18.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL. A. (MD) NO. 192 OF 2020

1.Thangapandi
2.Prakash

... Appellant A1 and A2

- Vs -

The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District,
in Crime No.244 of 2020

... Respondents/Complainant

Criminal Appeal filed u/s 14 A(2) of the SC/ST (PoA) Act, 1989, to call for the records relating to the order dated 10.06.2020 made in Cr.M.P.No.936 of 2020 on the file of the II Additional District and Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, Tirunelveli and to set aside the same and release the appellants on bail in connection with Crime No.244 of 2020 on the file of the respondent.

For Petitioner : Mr.V.Sasikumar

For Respondent : Mr.K.Suyambulinga Bharathi
Govt. Advocate (criminal side)

JUDGMENT

The appellants/A1 and A2 along with other accused, were charged for the offences u/s 147, 148, 294 (b), 323, 324, 506(ii) of IPC and Section 3(1)(r) and 3(1)(s), 3(2)(Va) of the SC/ST (PoA) 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. It is further submitted by the learned counsel for the



appellants that in this case, injured had already been discharged from the hospital.

3. Per contra, Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side), appearing for the 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.

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

5. Considering the submissions advanced by the learned counsel for the appellants and the learned Government Advocate (criminal side) appearing for the State 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 10.06.2020 made in Cr. M.P. No.936 of 2020 passed by the II Additional District and Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST Act Tirunelveli, by granting bail to the appellants.

6. 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 II Additional District and Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST Act Tirunelveli, 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.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The II Additional District and Sessions Judge,
Special Court for Exclusive Trial of
cases under SC/ST Act Tirunelveli.



2.The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.

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

4.The Superintendent, Central Prison,
Palayamkottai, Tirunelveli District.

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AP(18/06/2020) 3P 5C