



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.07.2020

CORAM:

**THE HONOURABLE MRS. JUSTICE R. THARANI**

**Crl.A. (MD) No.202 of 2020**

Maruthiya Pandi @ Sarkle ... Appellant/1<sup>st</sup> Petitioner/8<sup>th</sup> Accused

Vs.

1.The Deputy Superintendent of Police,  
Puliangudi Sub-Division,  
Tenkasi District.

2.The Inspector of Police,  
Vasudevanallur Police Station,  
Tenkasi District.  
Crime No.234 of 2020

... Respondents 1 & 2/Respondent/Complainant

3.Samy ... 3<sup>rd</sup> Respondent/Defacto Complainant

**PRAYER:** Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1/2016, to call for the records pertaining to the order dated 10.06.2020 made in Cr.M.P.No.945 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.234 of 2020 on the file of the second respondent.

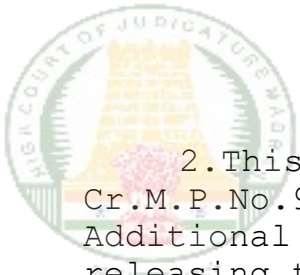
For Appellant : Mr.D.Venkatesh

For Respondents 1 and 2: Miss. Anandha Devi,  
Government Advocate (Crl. Side)

For 3<sup>rd</sup> Respondent : No appearance

**JUDGMENT**

Heard Mr.D.Venkatesh, learned counsel appearing for the appellant and Miss. Anandha Devi, learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2.



2.This appeal has been filed against the order passed in Cr.M.P.No.945 of 2020 dated 10.06.2020 on the file of the II Additional District and Sessions Judge, Tirunelveli and thereby releasing the appellant on bail.

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3.The appellant along with other accused, were charged for the offences under Section 147, 148, 341, 294(b), 324, 307 and 506(ii) of IPC and section 3 of TNPPDL Act and Section 3(1)(4) and 3(1)(s) and 3(2)(va) of the SC/ST (POA) Act, 2005. Pending trial, the petitioner herein filed bail application, which, after hearing was dismissed by the trial Court against which the present appeal is filed.

4.On the side of the appellant, it is stated that the petitioner is in custody for the past 40 days. It is further stated that all the co-accused were already released on bail by this Court in Cr1.A.(MD).No.193 of 2020 dated 18.06.2020. Hence, he prayed for grant of bail to the appellant.

5.On the side of the prosecution, it is stated that the petitioner is the named accused and the persons, who were Accused Nos.17 and 18, were granted bail and they are not named accused. It is further stated that 40 persons were involved in the offence and there is no communal clause in that area. But the learned Government Advocate (Cr1. Side) fairly admitted that Peace Committee meeting was arranged and now peace is prevailing in that area and that the victims are having only simple injury.

6.Though notice has been served on the third respondent, he did not appear either in person or through his counsel.

7.This Court have its careful consideration to the submission on either side and also perused the materials available on record.

8.Considering the facts of the case and submission made on either side and that now peace is prevailing in that area and that the victims are having only simple injuries and that the accused is in custody for the past 40 days, this Court is inclined to allow the criminal appeal by setting aside the order dated 10.06.2020 made in Cr.M.P.No.945 of 2020 passed by the II Additional Sessions Judge, Tirunelveli, by granting bail to the appellant.

9.Accordingly, this appeal is allowed and the appellant is directed to be enlarged on bail on condition that the appellant shall execute a bond for a sum of Rs.10,000/- 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 the appellant shall appear before the said Court at 10.30 a.m on the first working day of every week until further orders.

Sd/-

Assistant Registrar ()

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

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 II Additional District and Sessions Judge,  
Tirunelveli.
- 2.The Deputy Superintendent of Police,  
Puliangudi Sub-Division,  
Tenkasi District.
- 3.The Inspector of Police,  
Vasudevanallur Police Station,  
Tenkasi District.  
Crime No.234 of 2020
- 4.The Superintendent, Sub Jail, Tenkasi.
- 5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

Cr1.A.(MD)No.202 of 2020

09.07.2020

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