



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.07.2020

CORAM:

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A. (MD) No.200 of 2020

1.Vellaikutti

2.Kaliraj @ Kaleeswaran

3.Kannan

... Appellants/Accused
Nos. 2 to 4

Vs.

1.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Thiruchuli Division,
Virudhunagar District.

2.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District
Crime No.109 of 2020

... 1st & 2nd Respondents/
Complainants

3.Alagarsamy

... 3rd Respondent/ Defacto
Complainant

4.Malaichamy

... 4th Respondent/victim

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order learned District and Sessions Judge, Special Court for Schedule Castes and Schedule Tribes (POA) Act Cases, Srivilliputhur made in Crl.M.P.No.641 of 2020 dated 02.06.2020 and allow this appeal by enlarging the petitioners on bail in FIR No.109 of 2020 on the file of the second respondent Police.

For Appellants : Mr.A.Balaji

For Respondents 1&2 : Mr.K.Dinesh,Babu,
Additional Public Prosecutor



JUDGMENT

This petition has been filed against the order passed by the learned District and Sessions Judge, Special Court for Schedule Castes and Schedule Tribes (POA) Act Cases, Srivilliputhur made in Crl.M.P.No.641 of 2020 dated 02.06.2020.

2.The Appellants, who are arrested and remanded to judicial custody on 20.05.2020, for the offences punishable under Sections 294(b), 323, 324, 506(ii) of IPC and Section 4 of TNPWH Act, 2002, and under Section 3(i)(r), 3(i)(s), 3(2), (Va) of SC/ST (PoA) Amendment Act, on the file of the respondent police, seek appeal bail.

3.On the side of the appellants, it is stated that the alleged injuries are only minor in nature and the alleged victim was already discharged from the hospital on the same day. The appellants are in custody for the past 54 days and prays the appellants to be released on bail.

4.Though notice was served upon the respondents 3 and 4, none appears for them. Mr.K.Dinesh Babu, learned Additional Public Prosecutor who takes notice for the respondents 1 and 2 submitted that there is no serious objection in granting bail to the appellants.

5.In the above circumstances, the Criminal Appeal is allowed and the Appellants are ordered to be released on bail, subject to the following conditions:

- (i) each of the appellants shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned District and Sessions Judge, Special Court for Schedule Castes and Schedule Tribes (POA) Act Cases, Srivilliputhur ;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned District and Sessions Judge, Special Court for Schedule Castes and Schedule Tribes (POA) Act Cases, Srivilliputhur may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellants shall appear before the said Court daily in all working days at 10:30 a.m.

<https://hcservices.ecourts.gov.in/> the appellants shall not tamper with



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evidence or witness either during investigation or trial.

(v) the appellants shall not abscond either during investigation or trial.

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

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd

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 District and Sessions Judge,
Special Court for SC/ST (POA) Act Cases,
Srivilliputhur.
- 2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Thiruchuli Division,
Virudhunagar District.
- 3.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
- 4.The Jailor, District Prison,



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

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14.07.2020

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