



Crl.A. (MD) Nos.201 and 203 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.07.2020

CORAM:

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A. (MD) Nos.201 and 203 of 2020

WEB COPY

Baskaran

... Appellant in Crl.A. (MD) .No.201 of 2020/A8

Mahendran

... Appellant in Crl.A. (MD) .No.203 of 2020/A5

Vs.

1.The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

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

... Respondents/Complainants in
both Cases

3.Vairavakesu

... Defacto Complainants/Victim in
both Cases

COMMON PRAYER: Criminal Appeals are filed under Section 14(A) (2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1/2016, to call for the records relating to the order in Crl.M.P.No.403 of 2020 dated 15.06.2020 on the file of the learned Special Court for Trial of Cases registered under SC/ST (POA) Act 1989, Ramanathapuram and set aside the same and grant bail to the appellant.

For Appellant : Mr.C.Susikumar
in Crl.A. (MD) .No.201 of 2020

For Appellant : Mr.R.Maheswaran
Crl.A. (MD) .No.203 of 2020

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

For 3rd Respondent
in both Crl.As. : No appearance

COMMON JUDGMENT

These appeal have been filed against the order passed in Cr.M.P.No.403 of 2020 dated 15.06.2020 on the file of the Special

<https://hcservices.ecourts.gov.in/hcservices/>



Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram and thereby releasing the appellants on bail.

2. Heard the learned counsel appearing for the appellants and the learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2.

3. On the side of the appellants, it is stated that the name of the appellant in Crl.A.(MD).No.201 of 2020 was not found in the FIR and his name was impleaded in the case only based on the confession of the co-accused. It is further stated that all the co-accused were already released on bail by this Court in Crl.A.(MD).No.191 of 2020 dated 29.06.2020. It is further stated that the prime accused was released on bail by the lower Court, after completion of 90 days. The investigation is already over and there is no necessity for retaining the accused. It is further stated that the appellant is in custody for the past 69 days. Hence, he prayed for grant of bail to the appellants.

4. On the side of the prosecution, it is stated that all other accused were released on bail after completion of custody for a period of 90 days. It is further stated that the appellant in Crl.A.(MD).No.203 of 2020 is having eight previous cases. It is further stated that if the appellants are released on bail, they will tamper the witnesses.

5. On the side of the appellant in Crl.A.(MD).No.203 of 2020, it is stated that since the appellant is having eight previous cases, he has been falsely implicated in this case.

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

7. Considering the facts of the case and submission made on either side and considering that all the co-accused are released on bail and that the prime accused was released on bail by the lower Court and that the appellants are not the named accused and that they are in custody for the past 69 days, this Court is inclined to allow the criminal appeals by setting aside the order dated 15.06.2020 made in Cr.M.P.No.403 of 2020 passed by the Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, by granting bail to the appellants.

8. Accordingly, these appeal are allowed and the appellants are directed to be enlarged on bail on 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, each for a

like sum, to the satisfaction of the Special



Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.

(ii) Each of the appellants shall sign before the respondent Police daily at 10.30 a.m until further orders and shall not leave the District of Ramanathapuram without prior permission of the investigation Officer.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vsg

To

1. The Special Judge,
for Trial of Cases registered
under SC/ST (POA) Act 1989,
Ramanathapuram.
2. The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
3. The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
4. The Superintendent, Central Prison, Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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and 203 of 2020

09.07.2020

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