



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 20.07.2020

CORAM:

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.215 of 2020

1.Muthupandi
2.Ramkumar

... Appellants /Petitioners/ Accused Nos. 1 & 2

Vs.

1.The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
(Crime No.443/2020)

2.The Deputy Superintendent of Police,
Cheranmadevi Sub Division,
Tirunelveli District.

3.K.Sankaran

... Respondents/ Respondents

PRAYER: Criminal Appeal is filed under Section 14A(2) of the Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to call for the records relating to the order dated 15.06.2020 passed by the learned II Additional District and Sessions Judge, (F.A.C.) Tirunelveli (IV Additional Sessions Judge, Tirunelveli) in Cr.M.P.No.954 of 2020 and set aside the same and consequently to release the petitioners on bail in connection with case in Crime No.443 of 2020.

For Appellants : Mr.S.Ramasamy

For R- 1 and R-2 : Mr.K.Dinesh Babu
Additional Public Prosecutor

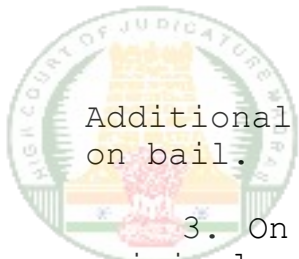
For R-3 : No appearance

JUDGMENT

Heard learned counsel appearing for the appellants and the learned Additional Public Prosecutor appearing for the respondents 1 and 2. Though notice was served, none appears for the defacto complainant / third respondent.

2. This appeal has been filed against the order passed in Cr.M.P.No.954 of 2020 , dated 15.06.2020, on the file of the II Additional District and Sessions Judge, (F.A.C.) Tirunelveli (IV

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



Additional Sessions Judge, Tirunelveli) and enlarge the appellants on bail.

3. On the side of the appellants, it is stated that to give a criminal colour to the civil dispute, a case has been falsely foisted against the appellants and the appellants are in judicial custody from 04.06.2020 and prayed that the appellants to be released on bail.

4. On the side of the prosecution, it is stated that the first appellant is having one previous case which is of the year 2012 and the second appellant is having one previous case, which is of the year 2009. It is stated that the civil dispute is different from the criminal case and the case has been registered against the appellants for creating fabricated documents and threatening the defacto complainant and prayed the appeal to be dismissed.

5. Records perused.

6. The dispute between the defacto complainant / third respondent and the appellants is with regard to a lease property. The appellants are in judicial custody from 04.06.2020. Considering the period of incarceration and considering the nature of the offence and also considering that the major part of the investigation might have been completed by this time, this Court is inclined to set aside the order in Cr.M.P.No.954 of 2020, dated 15.06.2020, on the file of the II Additional District and Sessions Judge, (F.A.C.) Tirunelveli (IV Additional Sessions Judge, Tirunelveli).

7. Accordingly, this Criminal Appeal is allowed and the order passed in Cr.M.P.No.954 of 2020, dated 15.06.2020, on the file of the II Additional District and Sessions Judge, (F.A.C.) Tirunelveli (IV Additional Sessions Judge, Tirunelveli), is set aside and the appellants are ordered 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 II Additional District and Sessions Judge, (F.A.C.) Tirunelveli (IV Additional Sessions Judge, Tirunelveli) .

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



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(iii) the appellants shall not tamper with evidence or witness either during investigation or trial.

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

(v) 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 (Crl.Side)

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/ /2020

Sub Assistant Registrar(CS)

Ls

To

1. The II Additional District and Sessions Judge, (F.A.C.)
Tirunelveli (IV Additional Sessions Judge, Tirunelveli).
2. The Inspector of Police,
Veeravanallur Police Station,
Tirunelveli District.
3. The Deputy Superintendent of Police,
Cheranmadevi Sub Division,
Tirunelveli District.
4. The Officer-in-Charge,
Borstal School,
Nanguneri,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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