



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.216 of 2020

1.Bala @ Bala Murali Krishna
2.Mahendran

... Appellants / Appellants

Vs.

1.State represented by
The Deputy Superintendent of Police,
Ramanathapuram Sub Division,
Ramanathapuram District.

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

3.Vairava Kesu

... 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 pertaining to the order passed by the Special Court for Trial of Cases Registered under SC/ST (POA), Act 1989, Ramanathapuram in Cr.M.P.No.408 of 2020, dated 01.07.2020 and to set aside the same and to enlarge the appellants on bail in Crime No.67 of 2020 on the file of the second respondent.

For Appellants	: Mr.S.M.A.Jinnah
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 respondent No.3.

2. This appeal has been filed against the order passed in Cr.M.P.No.408 of 2020, dated 01.07.2020, on the file of the Special Court for Trial of Cases Registered under SC/ST (POA), Act 1989, Ramanathapuram and enlarge the appellants on bail.



3. On the side of the appellants, it is stated that second appellant / A5 in this case was already granted bail by this Court in Crl.A.(MD)Nos.201 and 203 of 2020, dated 09.07.2020 and hence, this appeal is not pressed as far as the second appellant is concerned. 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 and the prime accused was also released on bail by the lower Court. It is also stated that the first appellant / A3 is in judicial custody for the past 65 days and hence, he prayed for grant of bail to the first appellant / A3.

4. On the side of the prosecution, it is stated that the offence against the first appellant / A3 is serious in nature and releasing the first appellant / A3 will cause hindrance to the investigation. It is fairly admitted by the prosecution that co-accused were already released on bail.

5.Considering the fact that all the other accused are released on bail and considering the period of incarceration, this Court is inclined to set aside the order in Cr.M.P.No.408 of 2020, dated 01.07.2020, on the file of the Special Court for Trial of Cases Registered under SC/ST (POA), Act 1989, Ramanathapuram as far as the first appellant /A3 is concerned.

6. Accordingly, this Criminal Appeal is allowed and the order passed in Cr.M.P.No.408 of 2020, dated 01.07.2020, on the file of the Special Court for Trial of Cases Registered under SC/ST (POA), Act 1989, Ramanathapuram, is set aside and the first appellant/ A3 is ordered to be enlarged on bail on the following conditions:

(i)The first appellant / A3 shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, for a like sum, to the satisfaction of the Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.

(ii)The first appellant / A3 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.

(iii) the first appellant / A3 shall not tamper with evidence or witness either during investigation or trial.

(iv) the first appellant / A3 shall not abscond either during investigation or trial.



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(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first appellant / A3 in accordance with law as if the conditions have been imposed and the first appellant / A3 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].

This Criminal Appeal is dismissed as not pressed insofar as the second appellant / A5 is concerned.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)

Is

To

- 1.The Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.
2. The Deputy Superintendent of Police,
Ramanathapuram Sub Division,
Ramanathapuram District.
- 3.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
- 4.The Officer-in-Charge,
District Jail,
Ramanathapuram.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.A. (MD) No.216 of 2020

20.07.2020

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