



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 15.10.2020

CORAM

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.290 of 2020

Esakkiyappan

.. Appellant

Vs.

1.The Deputy Superintendent of Police,
Valliyur Sub Division,
Tirunelveli District.

2.The Inspector of Police,
Pazhavor Police Station,
Tirunelveli District.
(Crime No.169 of 2020)

3.Sarkunam

.. Respondents

Prayer: This Criminal Appeal is filed under Section 14A of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, to set aside the order passed in Crl.M.P.No.1079 of 2020 dated 31.08.2020 on the file of the learned II Additional District Sessions Judge, Tirunelveli and release the petitioner on bail pending investigation in Crime No.169 of 2020 on the file of the Pazhavor Police Station, Tirunelveli District.

For Appellant

: Mr.S.C.Herold Singh

For Respondents 1 and 2

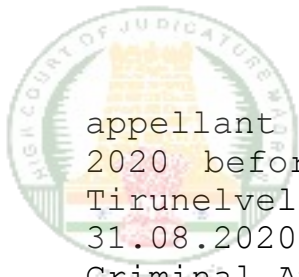
: Mrs.S.Bharathi

Government Advocate

JUDGMENT

This appeal has been filed to set aside the order in Crl.M.P.No.1079 of 2020, dated 31.08.2020, on the file of the learned Additional District and Sessions Judge, Tirunelveli.

2.The case against the appellant is that the appellant and others were registered by the respondent Police in Crime No.169 of 2020 on the file of the learned II Additional District Sessions Judge, Tirunelveli. The case is registered under Sections 294(b), 323, 353, 379 and 506(ii) and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST(PoA) Amendment Act. The



appellant has filed the bail application in Crl.M.P.No.1079 of 2020 before the learned II Additional District Sessions Judge, Tirunelveli. That petition was dismissed by the trial Court on 31.08.2020. Against the same, the appellant has preferred this Criminal Appeal.

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3.On the side of the appellant, it is stated that the age of the appellant is 19 years. He is in custody from 18.08.2020 onwards. The allegation of the appellant is that the appellant is the friend of A1. There is no other overt act against the appellant. There is dispute between A1 and complainant regarding the payment of salary to A1. But the appellant is no way connected with the dispute. The co-accused was already released on bail and prayed the appellant to be released on bail.

4.On the side of the respondents 1 and 2, it is stated that co accused were released on bail, since they are juvenile. The investigation is still pending. If the petitioner is released on bail, there is chance for the petitioner to tamper the witness and prayed the petition to be dismissed.

5.Though notice was served to the third respondent, none appears for the third respondent.

6.It is seen that the appellant is in custody for the past two months. Considering the overt act alleged against the appellant and considering the fact that the co accused were already released on bail, the Criminal Appeal is allowed and the appellant is ordered to be released on bail, subject to the following conditions:

(i) the appellant 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 II Additional Sessions Judge, Tirunelveli.

(ii)the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned II Additional Sessions Judge, Tirunelveli, may obtain a copy of their valid identity card to ensure their identity.

(iii)On release, the appellant shall appear before the second respondent daily at 10:30 a.m, until further orders.

(iv)the appellant shall not tamper with evidence or witness either during investigation or trial.



(v) the appellant shall cooperate with the investigation.

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

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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 Sessions Judge, Tirunelveli.
2. The Deputy Superintendent of Police,
Valliyur Sub Division, Tirunelveli District.
3. The Superintendent, Central Prison, Palayamkottai.
4. The Inspector of Police,
Pazhavor Police Station, Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl. A. (MD) No. 290 of 2020
15.10.2020

Mrn

SDS (19.10.2020) 3P-6C

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