



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.10.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.291 of 2020

WEB COPY

1.M.Arumugam

2.P.Venkatesh .. Appellants/Petitioners/Accused Rank not known

Vs.

1.The Deputy Superintendent of Police,
Srivaikuntam,
Tuticorin District.

2.State represented by
The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.1st and 2nd Respondents/ Respondents/
Complainant

3.T.Pravin3rd Respondent/De-facto Complainant

Prayer : This criminal appeal filed under Section 14A(2) of SC/ST (POA) Amended Act, 2016, to set aside the order passed in Cr.M.P.No.1091 of 2020, dated 09.09.2020, on the file of the II Additional District Court (For PCR Act cases), Tirunelveli, and to allow the criminal appeal and enlarge the appellants on bail concerned in Crime No.506 of 2020 on the file of the first respondent police.

For Appellants : Mr.N.Vignesh

For R1 : Mrs.S.Bharathi
Government Advocate

ORDER

This Criminal Appeal has been filed to set aside the order dated 09.09.2020 made in Cr.M.P.No.1091 of 2020, on the file of the learned II Additional District Court (For PCR Act cases), Tirunelveli, and enlarge the appellants on bail.

2. Heard the learned counsel for the appellant and the learned Government Advocate for the first respondent. Though notice was served, name printed, none appears for the defacto complainant / second respondent.

3. The appellants filed a bail petition before the II Additional District Judge (PCR Act Cases), Tirunelveli, in C.M.P.No.1091 of 2020 for bail. That petition was dismissed by the lower Court, on 09.09.2020. Against the same, the appellants



preferred this Criminal Appeal.

4. On the side of the appellants, it is stated that there is a counter case against the defacto complainant. The appellants are in custody for the past 47 days. The complainant was already discharged from the hospital. The complainant has reported that he has no objection in releasing the appellants on bail before the trial Court and prayed the appellants to be released on bail.

5. On the side of the prosecution, it is stated that there is a case and counter case and there is a law and order problem between two community people in the village. several witnesses were examined and their statements were recorded. The counter case in Crime No.505 of 2020 was also registered, under Section 147, 148, 341, 294(b), 323, 307 and 506(ii) IPC, and to prevent a communal clash prayed the appeal to be dismissed.

6. Heard the learned counsel on either side and perused the materials available on record.

7. It is seen that there is a case and counter case, the defacto complainant is the accused in the counter case registered in Crime No.505 of 2020. The appellants are in custody for the past 47 days. A perusal of the records reveals that the defacto complainant reported no objection before the trial Court. Though the second respondent was served, name printed, none appeared for the second respondent / defacto complainant.

8. In view of the above, this Court is inclined to release the appellants on bail. Hence, the Criminal Appeal is allowed and the Appellants are ordered to be released on bail, subject to the following conditions:

(i) the appellants shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the II Additional District Judge (PCR Act Cases), Tirunelveli;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the II Additional District Judge (PCR Act Cases), Tirunelveli, may obtain a copy of any valid identity proof to ensure their identity.

(iii) The appellants should not interfere in the investigation;

(iv) The appellants should co-operate with the respondent for investigation;



(v) The appellants should reside in Tirunelveli District and not to enter Thoothukudi District.

(vi) On release, the appellants shall appear before the Tirunelveli Town Police Station daily twice ie. 10.30 a.m and 05.00 p.m;

(vii) 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 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 (P AND A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Judge (PCR Act Cases),
Tirunelveli,
- 2.The Deputy Superintendent of Police,
Srivaikuntam,
Tuticorin District.
- 3.The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to:
The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli District.

+1 CC to M/s.N. VIGNESH, Advocate (SR-19657[F] dated 09/10/2020)

Cr1. A.(MD)No.291 of 2020
09.10.2020

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