



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

Crl. A.(MD)No.311 of 2020

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Lingeswaran,
S/o.Manikandan

.. Appellant / 5th Accused

Vs.

1.The Deputy Superintendent of Police,
Palani Sub-Divison,
Dindigul District.

2.The Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
(Crime No.441 of 2020)

.. Respondents 1 &2/
Complainants

3.Ananth

.. 3rd Respondent/Defacto
Complainant

Prayer : This criminal appeal is filed under Section 14A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, to call for the records pertaining to the order, dated 24.09.2020 made in Cr.M.P.No.214 of 2020 passed by the learned Sessions Judge, Special Court for exclusively trial of cases under SC/ST (POA) Act, Dindigul and set aside the same and enlarge the appellant on bail in connection with the case in Crime No.441 of 2020 on the file of the second respondent.

For Appellant

: Mr.D.Venkatesh

For R1 and R2

: Mr.S.Chandrasekar

Additional Public Prosecutor

JUDGMENT

This appeal has been filed to set aside the order passed in Crl.M.P.No.214 of 2020, dated 24.09.2020, on the file of the learned Sessions Judge, Special Court for exclusively trial of cases under SC/ST (POA) Act, Dindigul and to enlarge the appellant on bail.

2. Due to previous enmity, the alleged occurrence took place. The respondent police registered against the appellant in Crime No.441 of 2020 for the offence under Sections 147, 148, 341, 307 and 302 of IPC., and Section 3(2)(v) of SC/ST (POA) Act, 1989. The appellant was arrested and is in custody from 14.07.2020. He has filed a bail petition in Crl.M.P.No.214 of 2020, before the learned Sessions Judge, Special Court for exclusively trial of cases under



SC/ST (POA) Act, Dindigul and the same was dismissed on 24.09.2020, against which, the appellant has preferred this appeal.

3. On the side of the appellant, it is submitted that the appellant is a college student and he is an innocent person and he is no way connected with the alleged offence. Hence, he prays for bail.

4. The learned Additional Public Prosecutor submitted that it is a case of murder and if the appellant is enlarged on bail, there is a chance for him to tamper with the witness and prayed to dismiss the petition.

5. I have considered the rival submissions and perused the records produced before this Court.

6. From the perusal of the FIR and the alteration report, it is seen that there is no specific overt act attributed against the appellant/A5. He is a college student found in the scene of occurrence along with the other accused. In such circumstances, as the appellant was not actually involved in this crime, I am inclined to grant bail on the following condition;

(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 Sessions Judge, Special Court for exclusively trial of cases under SC/ST (POA) Act, Dindigul.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge, Special Court for exclusively trial of cases under SC/ST (POA) Act, Dindigul, may obtain a copy of any valid identity proof to ensure their identity.

(iii) On release, the appellant shall reside in Tuticorin and appear before the Inspector of Police, Tuticorin West Police Station, daily at 10:30 a.m, for a period of two weeks.

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

(v) the appellant shall cooperate with the investigation and the appellant shall appear before the respondent and Court both during investigation and trial, as and when required.



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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]**.

7. This Criminal Appeal is allowed accordingly.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

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 Sessions Judge,
Special Court for exclusively trial
of cases under SC/ST (POA) Act, Dindigul.
- 2.The Deputy Superintendent of Police,
Palani Sub-Divison,
Dindigul District.
- 3.The Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Inspector of Police,
Tuticorin West Police Station, Tuticorin.

Crl. A. (MD) No. 311 of 2020

11.11.2020

pm (CO)

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