



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 11.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

Crl. A.(MD)No.331 of 2020

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M.Chinnadurai

.. Petitioner/Appellant

Vs.

1. The Deputy Superintendent of Police,
Manapparai Sub-Division,
Trichy District.

2. The Inspector of Police,
Manapparai Police Station,
(Crime No.1624/2020)

.. Respondents 1&2/
Complainant

3.M.Sakthivel

.. 3rd Respondent/
Defacto Complainant

Prayer : This criminal appeal is filed under Section 14A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amended Act, 2016, against the order, dated 04.11.2020 passed by the learned I-Additional District Judge, PCR, Trichirappalli in Crl.M.P.No.3711/2020 dated 04.11.2020 and enlarge the petitioner on bail in Crime No.1624 of 2020 on the file of Manapparai Police Station, Trichy District.

For Appellant

: Mr.S.Ramsundarvijayaraj
for M/s.Veera Associates

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.3711 of 2020, dated 04.11.2020, on the file of the learned I-Additional District Judge, PCR, Trichirappalli and to enlarge the appellant on bail.

2. The case of the prosecution is that the appellant and the other accused gathered before the defacto complainant's house and attempted to assault the defacto complainant and tried to set fire on the defacto complainant's vehicle. The accused also used filthy language and threatened the defacto complainant, who belongs to Hindu Parayar community. The case in Crime No.1624 of 2020 was registered against the accused under Sections 147, 148, 294(b) and 506(i) of IPC., r/w. Section 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA), 1989. The appellant was arrested and is in custody from



20.10.2020. He has filed a bail petition in Crl.M.P.No.3711 of 2020, before the learned I-Additional District Judge, PCR, Trichirappalli and the same was dismissed on 04.11.2020. Against which, the appellant has preferred this appeal.

3. On the side of the appellant, it is stated that due to election dispute, the defacto complainant got vengeance against the appellant and hence, a false case has been foisted against him. He also submitted that the investigation is almost over. The learned counsel for the appellant prays for bail in favour of the appellant.

4. On the side of the prosecution, it is stated that if the appellant is enlarged on bail, there is a chance for him to tamper with the witness and hence, the learned Additional Public Prosecutor prayed to dismiss the petition.

5. Considering the facts and circumstances of the case and also considering the fact that the appellant is in custody from 20.10.2020, 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 I-Additional District Judge, PCR, Trichirappalli
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned I-Additional District Judge, PCR, Trichirappalli, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) On release, the appellant shall appear before the respondent police daily twice at 10:30 a.m, and 5.30 p.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 co-operate with the investigation and the appellant shall appear before the respondent and Court both during investigation and trial, as and when required.
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court



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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 (AS)

// 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 I-Additional District Judge, PCR, Trichirappalli
2. The Deputy Superintendent of Police,
Manapparai Sub-Division,
Trichy District.
3. The Inspector of Police,
Manapparai Police Station,
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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11.11.2020

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