



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 30.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.A.(MD)No.392 of 2020

Raja @ Veeranan

... Appellant /Accused No.1

Vs.

1.The Deputy Superintendent of Police,
Melur Range, Melur,
Madurai District.

2.The Inspector of Police,
Melur Police Station,
Melur, Madurai District.
(Crime No.2126/2020)

...Respondents/Complainants

3.Sevugamani

...3rd Respondent/Defacto
Complainant

PRAYER: Criminal Appeal is filed under Section 14-A(2) of the Scheduled Caste/Scheduled Tribes (PoA) Act, 1989 and Amended by Act 1/2016, to set aside the order made in Crl.M.P.No.771 of 2020 dated 14.12.2020 in connection with Crime No.2126 of 2020 on the file of second respondent police passed by the learned III Additional District Judge (PCR Court), Madurai, Madurai District and subsequently enlarge the petitioner on bail forthwith.

For Appellant
For R- 1 and R-2

: Mr.J.Sankara Pandian
: Mr.Seenivasan
Government Advocate

JUDGMENT

Heard learned counsel appearing for the appellant and the learned Government Advocate appearing for the respondents 1 and 2.

2.This appeal has been filed against the order, dated 14.12.2020, made in Cr.M.P.No.771 of 2020, on the file of the III Additional District and Sessions Judge (PCR), Madurai, and enlarge the appellant on bail.

3. The allegations levelled against the appellant are that on 24.11.2020 at about 02.45 p.m. when third respondent was in Rose Studio situated at Melur Bank Road, the petitioner and other accused had trespassed into the said studio with deadly weapons and threatened the third respondent by mentioning his caste name and



also attacked him with aruval which caused severe injuries. Hence, a case was registered under Sections 448, 294(b), 341, 324, 307 and 506(ii) I.P.C. r/w Sections 3(1)(r), 3(1)(s) and 3(2) (va) of SC/ST (POA) Amendment Act, 2015, in Crime No.2126 of 2020. The appellant filed a bail petition before the III Additional District and Sessions Judge (PCR), Madurai, in Cr.M.P.No.771 of 2020 and the learned Judge dismissed that petition on 14.12.2020. Against the dismissal of that petition, the appellant has come forward with this Criminal Appeal.

4. On the side of the appellant, it is stated that the case has been registered against the appellant with an ulterior motive and mala fide intention and he was arrested and remanded to judicial custody on 25.11.2020 and so far he is undergoing incarceration. The appellant is in custody for the past 34 days and hence, prayed that the appellant to be released on bail.

5. On the side of the prosecution, it is stated that the investigation is still pending. The learned III Additional District and Sessions Judge (PCR), Madurai, has rightly dismissed the petition. If the appellant is released on bail, there is a chance for tempering the witnesses and objected to the release of the appellant on bail.

6. It is seen that the appellant is in custody for the past 34 days. Major portion of the investigation might have been completed by this time. The appellant is in judicial custody from 25.11.2020. Considering the period of incarceration and further fact that the defacto complainant sustained only simple injury, this Court is inclined to set aside the order dated 14.12.2020 made in Cr.M.P.No.771 of 2020 on the file of the III Additional District and Sessions Judge (PCR), Madurai.

7. Accordingly, this Criminal Appeal is allowed and the order passed in Cr.M.P.No.771 of 2020, dated 14.12.2020, on the file of the III Additional District and Sessions Judge (PCR), Madurai, is set aside and the appellant is ordered to be enlarged on bail on the following conditions:

(i)The appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum, to the satisfaction of the III Additional District and Sessions Judge (PCR), Madurai.

(ii)The appellant shall sign before the respondent Police daily twice at 10.00 a.m and 05.00 p.m until further orders and shall not leave the District of Madurai without prior permission of the Investigation Officer.



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

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

(v) 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/-

VACATION OFFICER/AR

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SMN2/SRM

To

1.The III Additional District and Sessions Judge (PCR),
Madurai.

2.The Deputy Superintendent of Police,
Melur Range, Melur,
Madurai District.

3.The Inspector of Police,
Melur Police Station,
Melur, Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to

The Section Officer, Criminal Section-2 copies
Madurai Bench of Madras High Court, Madurai.

Crl.A. (MD)No.392 of 2020
30.12.2020

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