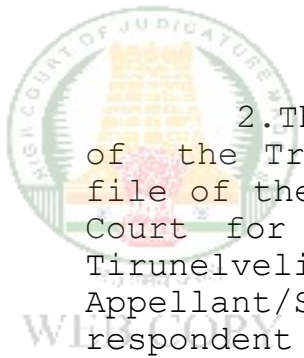




2.This Criminal Appeal has been filed to set aside the order of the Trial Court on 13.12.2019 in Cr.M.P.No.3725 of 2019 on the file of the II Additional District and Sessions Court (FAC), Special Court for Exclusive Trial of Cases under SC/ST(POA) Act, 1989, Tirunelveli, and further to grant bail for the above said Appellant/Sole Accused in Crime No.471 of 2019 on the file of the respondent police.

3.The Appellant, who is arrested and remanded to judicial custody on 20.11.2019, for the offences punishable under Sections 294(b), 324, 307, 506(ii) of IPC and under Sections 3(1)(r), 3(1)(s), 3(2)(v) of Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act 2015, on the file of the second respondent police, seeks appeal bail.

4.The learned counsel appearing for the appellant would submit that the appellant has been falsely implicated in this case and the same has not been considered properly and the appellant is in custody from 20.11.2019 onwards.

5.The learned Additional Public Prosecutor appearing for the first and second respondents, on instructions, would submit that the appellant herein is arrayed as sole accused. He would further submit that if the appellant/sole accused is released on bail, he will tamper with the prosecution witnesses and hamper the investigation and therefore, he objected to grant bail to the appellant.

6.Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 13.12.2019 made in Cr.M.P.No.3725 of 2019 on the file of the II Additional District and Sessions Court (FAC), Special Court for Exclusive Trial of Cases under SC/ST(POA) Act, 1989, Tirunelveli.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 13.12.2019 made in Cr.M.P.No.3725 of 2019 on the file of the II Additional District and Sessions Court (FAC), Special Court for Exclusive Trial of Cases under SC/ST(POA) Act, 1989, Tirunelveli, is set aside. The appellant is ordered to be released on bail on his executing 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 learned II Additional District and Sessions Court (FAC), Special Court for Exclusive Trial of Cases under SC/ST(POA) Act, 1989, Tirunelveli, and on further condition that:

[a] the appellant shall appear before the concerned court, daily twice i.e., 10.30 a.m., and 5.00 p.m. until further orders;

[b] the appellant shall not tamper with evidence or witness either during investigation or trial;



[c] the appellant shall not abscond either during investigation or trial;

[d] On breach of any of the aforesaid conditions, the 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 Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

Assistant Registrar (Records)

/ True Copy /

/ /2020

Sub Assistant Registrar(CS-III)

To

- 1.The II Additional District and Sessions Judge (FAC),
Special Court for Exclusive Trial of Cases
under SC/ST(POA) Act, 1989, Tirunelveli,
 - 2.The Deputy Superintendent of Police,
Kovilpatti Sub Division,
Thoothukudi District.
 - 3.The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District.
 - 4.The Superintendent, Central Prison, Palayamkottai,
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1 cc to Mr.S.Saravanan, Advocate, SR.No.1243

Crl.A.(MD)No.614 of 2019
23.01.2020

vsd

ES/SAR 3/24.01.2020/3P/7C