



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.02.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD).64 of 2021

G.Kamalesh

... Appellant

Vs.

1.The Deputy Superintendent of Police,
Rajapalayam Circle,
Virudhunagar District.

2.The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
In Crime No.3 of 2021.

3.M.Shanmugavel

4.S.Duraipandi

... Respondents

Prayer : This Criminal Appeal is filed under Section 14(A) (2) of the Schedule Castes and Tribes Prevention of Atrocities Act, 1989, as amended by Act 1 of 2016, to set aside the order dated 01.02.2021 made in Crl.M.P.No.126 of 2021 on the file of the learned Sessions Judge, (PCR), Virudhunagar at Srivilliputhur and enlarge the appellant on bail.

For Appellant

: Mr.K.Muthumalai

For Respondents 1 and 2

: Mr.KR.Bharathikannan
Government Advocate (Crl. side)

For Respondents 3 and 4

: No appearance

JUDGMENT

This appeal has been filed to set aside the order, dated 01.02.2021, made in Crl.M.P.No.126 of 2021, on the file of the Sessions Judge, (PCR), Virudhunagar at Srivilliputhur and to enlarge the appellant on bail.

2.The case against the appellant is that the appellant and others assaulted the victim with deadly weapons and insulted the petitioner who belong to Scheduled Caste and Scheduled Tribe Community. A case was registered against the appellant and others in Crime No.3 of 2021 for the offence under Sections 341, 294(b), 307 and 506(ii) of IPC and Sections 3(1)(s) and 3(2)(va) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Amendment Act



2015 and the appellant was arrested by the respondent police. Subsequently, the appellant filed a bail petition in Crl.M.P.No.126 of 2021 before the Sessions Judge, (PCR), Virudhunagar at Srivilliputhur. The learned Sessions Judge dismissed the petition. Against which, the appellant preferred the appeal before this Court.

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3.On the side of the appellant, it is stated that the appellant is arrayed as A-3 in this case. The appellant was arrested on 13.01.2021 and is in custody for the past 42 days. The victim was discharged from the hospital on 25.01.2021 and prayed the appellant to be released on bail.

4.On the side of the respondents 1 and 2, it is stated that the offence against the appellant is serious in nature. The stab injuries are in the stomach and neck of the victim. The weapons used are grievous in nature. If the appellant is released on bail, there is possibility of tampering the witness and prayed the appeal to be dismissed.

5.Though notice was served on the respondents 3 and 4 and their name are printed in the cause list, there is no representation for the respondents 3 and 4.

6.It is seen that the appellant is in custody for the past 42 days. The victim was discharged from the hospital on 25.01.2021. The fourth respondent was discharged earlier. The respondents 1 and 2 admit the discharge of the respondents 3 and 4 from the hospital. Considering the period of incarceration, this Court is inclined to grant bail to the appellant. Hence, 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 Sessions Judge, (PCR), Virudhunagar at Srivilliputhur.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Sessions Judge, (PCR), Virudhunagar at Srivilliputhur, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) On release, the appellant shall appear before the second respondent daily at 10:30 a.m, until further orders.
- (iv) the appellant shall not tamper with evidence or witness either during investigation or trial.



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

(vi) 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 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

// True Copy //

/ /2021

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 Sessions Judge, (PCR), Virudhunagar at Srivilliputhur.
2. The Deputy Superintendent of Police,
Rajapalayam Circle, Virudhunagar District.
3. The Inspector of Police,
Keelarajakularaman Police Station, Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy To:- The Superintendent, Central Prison, Madurai.

+1 CC to M/s.K.MUTHUMALAI, Advocate (SR-7187[F] dated 25/02/2021)

Crl. A.(MD).64 of 2021

25.02.2021

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