



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 15.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.120 of 2021

Kannan @ Ganeshamoorthy .. Appellant/Petitioner/Accused No.1
Vs.

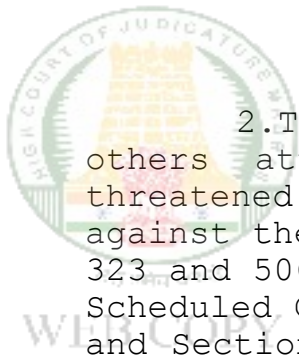
- 1.State through,
Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.
Crime No.268 of 2020 ... 1st Respondent/Respondent/
Investigation Officer
- 2.The Inspector of Police,
Moolaikaraipatti Police Station,
Tirunelveli District. ... 2nd Respondent/Respondent/
Complainant
- 3.Sornam .. 3rd Respondent/Respondent/
Defacto Complainant

Prayer : This Criminal Appeal filed under Section 14A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order passed by the learned II Additional District and Sessions Judge (PCR), Tirunelveli in Crl.M.P.No.305 of 2021, dated 23.02.2021 and to enlarge the appellant on bail, pending investigation in Crime No.268 of 2020 on the file of the respondent.

For Appellant	: Mr.R.J.Karthick
For Respondents 1 and 2	: Mr.S.Chandrasekar Additional Public Prosecutor
For Respondent No.3	: No appearance

JUDGMENT

This appeal has been filed to set aside the order passed in Cr.M.P.No.305 of 2021 dated 23.02.2021, on the file of the learned II Additional District and Sessions Judge (PCR), Tirunelveli and to grant bail to the appellant.



2.The case against the appellant is that the appellant and others attacked the defacto complainant and her brother and threatened them with dire consequences. Hence, a case was registered against the appellant in Crime No.268 of 2020 under Sections 294(b), 323 and 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. The appellant has filed a bail petition in Crl.M.P.No.305 of 2021 before the learned II Additional District and Sessions Judge, Tirunelveli. The petition was dismissed by the learned District Judge on 23.02.2021. Against the same, the appellant has preferred the present appeal.

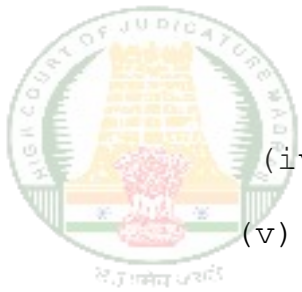
3.On the side of the appellant, it is stated that the appellant is A1 in the case. There is a delay in registering the FIR. The marriage of the nephew of the appellant is held on 15.03.2021. The appellant has to perform some of the marriage rituals. The appellant is in custody from 11.02.2021 and prayed the appellant to be released on bail.

4.On the side of the respondents 1 and 2, it is stated that the injuries are simple in nature. But the investigation is pending. If the appellant is released on bail, he might tamper the witness and the appellant is the prime accused and prayed the appeal to be dismissed.

5.Though notice was served upon the third respondent, none appears on behalf of the third respondent.

6.It is seen that the alleged injuries are simple in nature and the appellant is in custody for the past one month. Considering the period of incarceration and considering the nature of offence, this Criminal Appeal is allowed and the appellant is ordered to be released 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, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge (PCR), Tirunelveli.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned II Additional District and Sessions Judge (PCR), Tirunelveli, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) On release, the appellant shall appear before the second respondent Police Station daily at 10:30 a.m, until further orders.



WEB COPY

- (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 second 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 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 //

/ /2021

Sub Assistant Registrar(CS)

Mrn

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 II Additional District and Sessions Judge,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.
- 3.The Inspector of Police,
Moolaikaraipatti Police Station,
Tirunelveli District.
- 4.The Superintendent/Officer incharge, District Prison,
Nanguneri.



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

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-11238[F] dated 15/03/2021)

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15.03.2021

KMV(CO)
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