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Crl.A.(MD)No.140 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 26.03.2021

Delivered On : 01.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)No.140 of 2021

Mani @ Manikandan @ Pramathu Manikandan

.. Appellant/Petitioner/Sole Accused

Vs.

1.The State represented by its,
The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.... 1st Respondent/Investigation Officer/
Investigation Officer

2.The State represented by its,
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District
(Crime No.118 of 2021).... 2nd Respondent/Respondent/Complainant

3.Lakshmanan .. 3rd Respondent/Defacto Complainant/
Defacto Complainant

Prayer : This Criminal Appeal filed under Section 14(A)(2) of Scheduled Castes/Scheduled Tribes Act, 1989 as amended by Act, 1 of 2016, to call for the entire records relating to the impugned order dated 10.03.2021 made in Cr.M.P.No.445 of 2021 on the file of the learned II Additional District and Sessions Judge(FAC), Tirunelveli and to set aside the same and consequently to release the appellant on bail in connection with the FIR in Crime No.118 of 2021 on the file of the second respondent police.

For Appellant	: Mr.M.S.Jeya Karthik
For Respondents 1 and 2	: Mr.S.Chandrasekar
	Additional Public Prosecutor
For 3 rd Respondent	: No Appearance

JUDGMENT

This appeal has been filed to set aside the order passed in Cr.M.P.No.445 of 2021 dated 10.03.2021, on the file of the learned II Additional District and Sessions Judge (FAC), Tirunelveli and to enlarge the appellant on bail.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The case against the appellant is that the appellant insulted the defacto complainant in filthy language by uttering his caste name and threatened him with dire consequences. Hence, a case was registered against the appellant in Crime No.118 of 2021 under Sections 294(b) and 506(ii) of IPC and Sections 3(1)(r) and 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The appellant has filed a bail petition in Crl.M.P.No.445 of 2021 before the learned II Additional District and Sessions Judge (FAC), Tirunelveli. The petition was dismissed by the learned Judge on 10.03.2021. Against the same, the appellant has preferred the present appeal.

3.On the side of the appellant, it is stated that the appellant sustained head injury by the attack of the defacto complainant and was admitted in the hospital. The appellant is in custody for the past 25 days and prayed the appellant to be released on bail.

4.On the side of the respondents 1 and 2, it is stated that there was no proof regarding the injury said to have been sustained by the appellant and prayed the petition to be dismissed.

5.Though notice was served upon the third respondent, none appears for the third respondent.

6.Considering the nature of offence and considering the period of incarceration, this Court is inclined to release the appellant 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 (FAC), 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 (FAC), Tirunelveli, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) On release, the appellant to appear and sign before the second respondent police daily once at 10:30 a.m., until further orders.
- (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.



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(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(P & A)

// 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(FAC),
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.
- 3.The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District.
- 4.The Officer Incharge,Sub Jail,
Srivaikundam.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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01.04.2021

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