



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 25.03.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.144 of 2021

Karthick @ Karthickraja .. Appellant /Accused No.2

Vs.

The State Rep by

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

2.The Inspsector of Police,
Melur Police Station,
Madurai District
(Cr No. 95/2021.)

..Respondents/Complainant

3.Perumal ... Respondents /Defacto Complainant

Prayer : This criminal appeal filed under Section 14-A(2) of SC/ST (POA) Amended Act, 2016, to set aside the dismissal order, dated 06.03.2021 in Crl.M.P.(MD) No. 374 of 2021 on the file of this III Additional District Judge (PCR Court), Madurai, and enlarge the appellant on bail in connection with Crime No. 95 of 2021 on the file of the second respondent police.

For Appellant : Mr.S.Thirupathy

For R1 & R2 : Mr.S.Chandrasekar
Additional Public Prosecutor

For R3 : Mr. Perumal, party-in-person

JUDGMENT

This Criminal Appeal has been filed to set aside the order, dated 06.03.2021 in Crl.M.P.(MD) No. 374 of 2021 on the file of this III Additional District Judge (PCR Court), Madurai, and enlarge the appellant on bail.

2. A case was registered in Crime No.95 of 2021 by the respondent police under Sections 341, 294(b), 323, 324 and 506(ii) I.P.C. r/w. Section 3(2)(v) (a) of SC / ST Act and Section 4 of TNPWH Act. The appellant filed a petition for bail in Cr.M.P.No.374 of



2021. That petition was dismissed by the Special Court on 06.03.2021. Against the same, the appellant preferred this Criminal Appeal.

3. On the side of the appellant, it is stated that the matter was compromised between the parties and the appellant is in custody from 09.02.2021 onwards and prayed the appellant to be released on bail.

4. There is no serious objections on the side of the prosecution.

5. The third respondent/ Perumal appeared in person and he submits that he has no objection in releasing the appellant on bail.

6. Considering the period of incarceration and considering the fact that there was no serious objection on the part of the respondents, this Court is inclined to release the appellant on bail. 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 III Additional District Judge (PCR Court), Madurai;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the III Additional District Judge (PCR Court), Madurai, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) The appellant should not interfere in the investigation;
- (iv) The appellant should co-operate with the respondent for investigation;
- (v) The appellant shall appear before the respondent Police **daily at 10.30 a.m** until further orders ;
- (vii) 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].**

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// True Copy //

Sd/-

Assistant Registrar (CS II)

/ /2021

Sub Assistant Registrar(CS)

Ls

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 III Additional District Judge (PCR Court),
Madurai.
- 2.The Deputy Superintenden of Police,
Melur Police Station,
Madurai District.
- 3.The Inspector of Police,
Melur Police Station,
Madurai District
- 4.The Superintendent of Prison,
Central Prison, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.THIRUPATHY, Advocate (SR-13603[F] dated 25/03/2021)

CrI. A. (MD)No.144 of 2021
25.03.2021

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mj (CO)

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