



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl. A. (MD)No.165 of 2021

M. Muthuramalingam @ Padaiappa

... Appellant/Petitioner/Sole accused

Vs.

1.The Assistant Commissioner of Police,
Tirunelveli Town, Tirunelveli.

2. The State represented by,
the Sub Inspector of Police,
Pettai Police Station,
Tirunelveli District.
(Crime No.42 of 2021)

...Respondent/Respondent/Complainant

3. Susila

... Respondent/Defacto Complainant

Prayer : This appeal is filed under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, to call for the entire records pertaining to the order passed by II Additional District Sessions Judge (PCR), Tirunelveli in Crl.M.P. No. 457 of 2021, dated 12.03.2021 and set aside the same and consequently enlarge the appellant on bail on the same day in connection with the case in Crime No. 42 of 2021 on the file of the Inspector of Police, Tirunelveli Town Police Station, Tirunelveli.

For Appellant : Mr.A. Sivasubramanian

For R-1 & R-2 : Mr.A.Robinson
Government Advocate (Crl.Side)

For R3 : No Appearance

J U D G M E N T

Heard Mr.A. Sivasubramanian, learned counsel appearing for the appellant, Mr.A.Robinson, learned Government Advocate (Criminal Side) appearing for the first and second respondents.

2.This Criminal Appeal has been filed to set aside the order, dated 12.03.2021, passed in Cr.M.P.No.457 of 2021, by the learned II Additional District Sessions Judge (PCR cases), Tirunelveli and

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enlarge the appellant on bail, in connection with Crime No.42 of 2021, on the file of the respondent Police.

3.The Appellant, who was arrested and remanded to judicial custody on 22.01.2021, for the offences punishable under Sections 294(b), 324, 506(ii) of IPC., r/w Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.42 of 2021, on the file of the respondent police, seek appeal bail.

4.The learned counsel appearing for the appellant would submit that the appellant has not committed any offence as stated by the prosecution. He would further submit that due to wordy quarrel, this false case was foisted against him.

5.The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, would submit that the appellant is a sole accused. He would further submit that since the petitioner earlier worked in the State of Kerala, there is a chance of absconding and the investigation is still pending, if the petitioner/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.

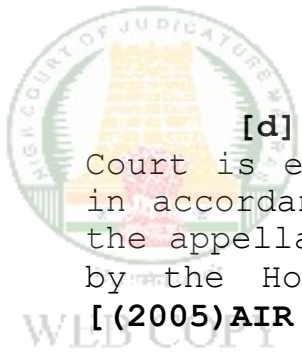
6.Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 12.03.2021, passed in Crl.M.P.No. 457 of 2021, by the learned II Additional District Sessions Judge (PCR cases), Tirunelveli.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 12.03.2021, passed in Crl.M.P.No. 457 of 2021, by the learned II Additional District Sessions Judge (PCR cases), Tirunelveli, is set aside. The appellant is ordered to be released on bail on 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 Sessions Judge (PCR cases), Tirunelveli, and on further condition that:

[a] the appellant shall appear before the learned II Additional District Sessions Judge (PCR Cases), Tirunelveli, daily at 10.30 a.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(AD-I)

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/ /2021

Sub Assistant Registrar(CS)

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To

1. The II Additional District Sessions Judge (PCR cases),
Tirunelveli.
2. The Assistant Commissioner of Police,
Tirunelveli Town, Tirunelveli.
3. The Sub Inspector of Police,
Pettai Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Superintendent, Central Prison, Tirunelveli.

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