



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2021

CORAM

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THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

Crl.A(MD)No.211 of 2021

Ilangovan@Prabhu

... Appellant/Accused No.3

Vs.

1.The Deputy Superintendent of Police,
Thiruchuli,
Virudhunagar District.

2.The Inspector of Police,
Veerasolan Police Station,
Virudhunagar District.
(Crime No.78 of 2019)

...1st and 2nd Respondents/Complainants

3.Thangapani ... 3rd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, to set aside the order, dated 26.03.2021 made in Crl.M.P.No.627 of 2021 on the file of the Additional District and Sessions Judge (PCR) Cases, Virudhunagar at Srivilliputhur and enlarge the petitioner on bail.

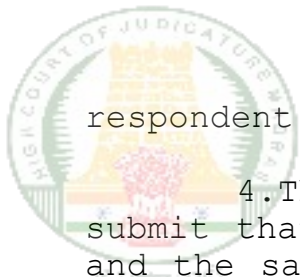
For Appellant : Mr.V.Malaiyendran
For R-1 & R-2 : Mr.P.Kottaichamy
Standing Counsel
For R3 : Mr.B.Anandan

J U D G M E N T

Heard Mr.V.Malaiyendran, learned Counsel appearing for the appellant and Mr.P.Kottaichamy, learned Standing Counsel appearing for the first and second respondents and Mr.B.Anandan, learned counsel appearing for the third respondent.

2.This Criminal Appeal has been filed to set aside the dismissal order of the bail petition in Crl.M.P.No.627 of 2021 on the file of the learned Additional District and Sessions Judge (PCR) Cases, Virudhunagar District at Srivilliputhur, dated 26.03.2021.

3.The Appellant, who surrendered before the respondent police on 22.03.2021, for the offences punishable under Sections 147, 148, 341, 294(b), 379, 307, 506 (ii) IPC and under Sections 3(1)(s) and 3(2)(va) of SC/ST (Prevention of Atrocities Act), on the file of the



respondent police, seeks appeal bail.

4.The learned counsel appearing for the appellant would submit that the appellant has been falsely implicated in this case and the same has not been considered properly and the appellant is in custody from 22.03.2021 onwards.

5.Mr.P.Kottaichamy, learned Standing counsel appearing for the respondent police, on instructions, would submit that the appellant herein is arrayed as A3. He would further submit that if the appellant/A3 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 26.03.2021 made in Crl.M.P.No.627 of 2021 on the file of the learned Additional District and Sessions Judge (PCR) Cases, Virudhunagar District at Srivilliputhur.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 26.03.2021 made in Crl.M.P.No.627 of 2021 on the file of the learned Additional District and Sessions Judge (PCR) Cases, Virudhunagar at Srivilliputhur, is set aside. The appellant is ordered to be released on bail on his 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 Additional District and Sessions Judge (PCR) Cases, Virudhunagar at Srivilliputhur, and on further condition that:

[a] the appellant shall appear before the Narikudi Police Station, Virudhunagar District, 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 appellants 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 (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Deputy Superintendent of Police,
Thiruchuli,
Virudhunagar District.
- 2.The Inspector of Police,
Veerasolan Police Station,
Virudhunagar District.
3. The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

1. The Additional District and Sessions Judge (PCR) Cases,
Virudhunagar at Srivilliputhur
2. The Superintendent,
Central Prison, Madurai.

Crl.A(MD)No.211 of 2021

15.06.2021

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