



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2021

CORAM

WEB COPY

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

Crl.A(MD)No.224 of 2021

Vivek

... Appellant/Accused No.6

Vs.

- 1.The Deputy Superintendent of Police,
Palani Sub Division,
Dindigul District. ...1st Respondent/Investigating Officer
- 2.The Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
(Cr.No.441 of 2020) ...2nd Respondent/Complainant
- 3.Ananth ... 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 2015, to call for the records pertaining to the order, dated 28.04.2021 made in Crl.M.P.No.467 of 2021 on the file of the Sessions Judge, Special Court for exclusively trial of cases under SC/ST (POA) Act, Dindigul and set aside the same and enlarge the appellant on bail in connection with Crime No.441 of 2020 on the file of the 2nd respondent by allowing this Criminal Appeal.

For Appellant : Mr.N.Adithya Vijayalayan

For R-1 & R-2 : Mr.P.Kottaichamy
Standing Counsel

For R3 : No Appearance

J U D G M E N T

Heard Mr.N.Adithya Vijayalayan, learned Counsel appearing for the appellant and Mr.P.Kottaichamy, learned Standing Counsel appearing for State. No representation 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.467 of 2021 on

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



the file of the learned Sessions Judge, Special Court for exclusively trial of cases under SC/ST(POA) Act, Dindigul District, dated 28.04.2021.

3.The Appellant, who arrested and remanded to judicial custody on 14.07.2020, for the offences punishable under Sections 147, 148, 341, 307 & 302 IPC and Section 3(2)(v) of SC/ST (POA) Amendment Act, 1989, 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 14.07.2020 onwards.

5.Mr.P.Kottaichamy, learned Standing Counsel appearing for State, on instructions, would submit that the appellant herein is arrayed as A6. He would further submit that if the appellant/A6 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 28.04.2021 made in Crl.M.P.No.467 of 2021 on the file of the learned Sessions Judge, Special Court for exclusively trial of cases under SC/ST(POA) Act, Dindigul District.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 28.04.2021 made in Crl.M.P.No.467 of 2021 on the file of the learned Sessions Judge, Special Court for exclusively trial of cases under SC/ST(POA) Act, Dindigul District, 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 learned Sessions Judge, Special Court for exclusively trial of cases under SC/ST(POA) Act, Dindigul District, and on further condition that:

[a] the appellant shall appear before the concerned court, once in a week i.e. on the first working day of every week 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(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsd

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 Sessions Judge,
Special Court for exclusively trial of cases
under SC/ST (POA) Act, Dindigul
- 2.The Deputy Superintendent of Police,
Palani Sub Division,
Dindigul District.
- 3.The Inspector of Police,
Palani Adivaram Police Station,
Dindigul District.
- 4.The Officer Incharge, District Jail,
Dindigul.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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24.06.2021

SJ(CO)
TR(25.06.2021) 3P 6C