



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2021

CORAM

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

CrI.A(MD)No.241 of 2021

1.Daniel
2.Berkins

... Appellants/Accused Nos.1 & 3

Vs.

1.Stat rep. by its.
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.149 of 2021) ...1st Respondent/Complainant

2.Kumar ... 2nd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14A(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016) to call for the records in Cr.M.P.No.747 of 2021, dated 04.06.2021 on the file of the II Additional District & Sessions Judge (PCR Court), Tirunelveli and set aside the same and enlarge the Appellants/Accused Nos.1 & 3 on bail in Crime.No.149 of 2021 on the file of the Tirunelveli Taluk Police Station, Tirunelveli District.

For Appellants : Mr.N.Mohideen Basha

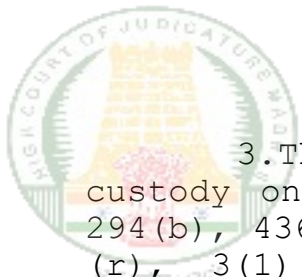
For R-1 : Mr.RMS.Sethuraman
Standing Counsel, Tamil Nadu Govt.

For R2 : Mr.M.Ramanathan

J U D G M E N T

Heard Mr.N.Mohideen Basha, learned Counsel appearing for the appellants and Mr.RMS.Sethuraman, learned Standing Counsel appearing for the first respondent and Mr.M.Ramanathan, learned counsel appearing for the second respondent.

2.This Criminal Appeal has been filed to set aside the dismissal order of the bail petition in Cr.M.P.No.747 of 2021 on the file of the learned II Additional District & Sessions Judge (F.A.C), Tirunelveli, dated 04.06.2021.



3.The Appellants, who were arrested and remanded to judicial custody on 25.05.2021, for the offences punishable under Sections 294(b), 436, 506(ii) IPC and Section 4 of TNPWH Act and Section 3(1)(r), 3(1)(s), 3(2)(iv), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on the file of the respondent police, seek bail.

4.The learned counsel appearing for the appellants would submit that the appellants have been falsely implicated in this case and the same has not been considered properly and the appellants are in custody from 25.05.2021 onwards. He further stated that a compromise has arrived between the parties and hence he seeks bail to the appellants.

5.Mr.RMS.Sethuraman, learned Standing Counsel appearing for the respondent police, on instructions, would submit that the appellants herein are arrayed as A1 & A3. He would further submit that if the appellants/A1 & A3 are released on bail, they will tamper with the prosecution witnesses and hamper the investigation and therefore, he objected to grant bail to the appellants.

6.Mr.M.Ramanathan, learned counsel appearing for R3 has no objection for granting bail to the appellants.

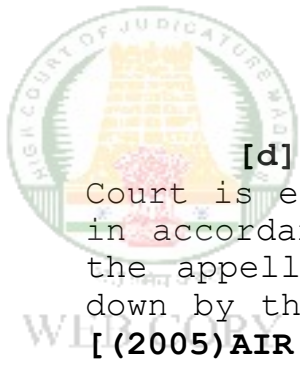
7.Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 04.06.2021 made in Cr.M.P.No.747 of 2021 on the file of the learned II Additional District & Sessions Judge (F.A.C), Tirunelveli.

8.Accordingly, the Criminal Appeal is allowed and the order, dated 04.06.2021 made in Cr.M.P.No.747 of 2021 on the file of the learned II Additional District & Sessions Judge (F.A.C), Tirunelveli, is set aside. The appellants are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the learned II Additional District and Sessions Judge (PCR Court), Tirunelveli, and on further condition that:

[a] the appellants 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 appellants shall not tamper with evidence or witness either during investigation or trial;

[c] the appellants 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 appellants 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 II Additional District and Sessions Judge (PCR Court),
Tirunelveli.
- 2.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
3. The Superintendent/Officer Incharge, Borstal School, Nanguneri
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.A(MD)No.241 of 2021
17.06.2021

SMN(CO)
TR(18.06.2021) 3P 5C