



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A(MD)No.274 of 2021

Nethaji

... Appellant/Sole Accused

Vs.

1.The State Represented by its,
The Deputy Superintendent of Police,
Nilakottai Sub Division,
Villampatti Police Station,
Dindigul District.1stRespondent/Investigation Officer
/Investigation Officer

2.The State Rep.by its,,
The Inspector of Police,
Villampatti Police Station,
Dindigul District.
(Cr.No.348 of 2021)2nd Respondent/Respondent/Complainant

3.Pagutharivu 3rd Respondent/Defacto Complainant/
Defacto Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 as amended by Act 1/2016, to call for the entire records relating to the impugned order, dated 28.06.2021 made in Crl.M.P.No.511 of 2021 on the file of the Special Court for Exclusive trial of cases under SC/ST (POA) Act Sessions Judge, Dindigul, Dindigul District and to set aside the same and consequently to release the petitioner on bail in connection with the FIR in Crime No.511 of 2021, pending investigation on the file of the 1st respondent police.

For Appellant : Mr.S.Sarvagan Prabhu

For R-1 & R-2 : Mr.RMS.Sethuraman

Counsel

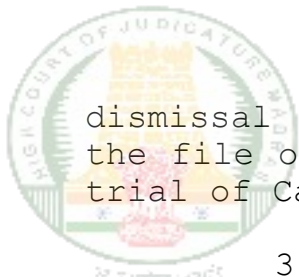
for State Government (Crl.side)

For R3 : No Appearance

J U D G M E N T

Heard Mr.S.Sarvagan Prabhu, learned counsel appearing for the appellant and Mr.RMS.Sethuraman, learned counsel appearing for State Government (Crl.side). No representation for the third respondent.

2.This Criminal Appeal has been filed to set aside the
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dismissal order of the bail petition in Crl.M.P.No.511 of 2021 on the file of the learned Sessions Judge, Special Court for Exclusive trial of Cases under SC/ST (POA) Act, dated 28.06.2021.

3.The Appellant, who arrested and remanded to judicial custody on 22.06.2021, for the offences punishable under Sections 294(b) & 307 IPC and Sections 3(1)(r), 3(1)(s) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, 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 22.06.2021 onwards.

5.Mr.RMS.Sethuraman, learned counsel appearing for State Government (Crl.side), on instructions, would submit that the appellant herein is arrayed as sole accused. He would further submit that if the appellant/sole accused is released on bail, he will tamper with the prosecution witnesses and hamper the investigation and therefore, he strongly opposed 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 28.06.2021 made in Crl.M.P.No.511 of 2021 on the file of the learned Sessions Judge, Special Court for Exclusive trial of Cases under SC/ST (POA) Act, Dindigul District.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 28.06.2021 made in Crl.M.P.No.511 of 2021 on the file of the learned Sessions Judge, Special Court for Exclusive 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 Exclusive 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 ()

// 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 Exclusive trial of Cases under SC/ST (POA) Act, Dindigul District
- 2.The Deputy Superintendent of Police,
Nilakottai Sub Division,
Villampatti Police Station,
Dindigul District.
- 3.The Inspector of Police,
Villampatti Police Station,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Officer in-charge,
Sub Jail, Palani.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-24529[F] dated 29/07/2021)

Crl.A(MD)No.274 of 2021
29.07.2021

SRK(CO)

LR (30.07.2021) 3P 7C

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