



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.07.2021
CORAM

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

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Crl.A(MD)No.283 of 2021

V.Subramanian @ Babumani ... Appellant/Accused

Vs.

1.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli.

2.The State Represented by,
The Sub Inspector of Police,
Munnerpallam Police Station,
Tirunelveli District.

(Cr.No.302 of 2021) ...1st & 2nd Respondents/Complainants

3.M.Balamurugesha ... 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 1989, to call for the entire records pertaining to the order passed by the II Additional District & Sessions Judge (PCR), Tirunelveli in Cr.M.P.No.754 of 2021, dated 05.07.2021 and set aside the same and consequently enlarge the appellant on bail in connection with the case in Crime No.302 of 2021 on the file of the Inspector of Police, Munnerpallam Police Station, Tirunelveli.

For Appellant : Mr.A.Sivasubramanian

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

Standing Counsel

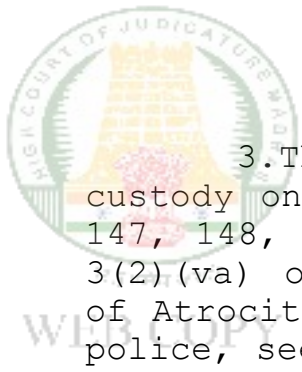
for State Government (Crl.side)

For R3 : No Appearance

J U D G M E N T

Heard Mr.A.Sivasubramanian, learned counsel appearing for the appellant and Mr.RMS.Sethuraman, learned Standing Counsel appearing for State Government (Crl.side). No representation for the third respondent.

2.This Criminal Appeal has been filed to set aside the dismissal order of the bail petition in Cr.M.P.No.754 of 2021 on the file of the learned II Additional District & Sessions Judge (PCR), Tirunelveli, dated 05.07.2021.



3.The Appellant, who arrested and remanded to judicial custody on 18.06.2021, for the offences punishable under Sections 147, 148, 294(b), 307 & 506(ii) IPC and Section 3(1)(r), 3(1)(s), 3(2)(va) 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 18.06.2021 onwards.

5.Mr.RMS.Sethuraman, learned Standing 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 05.07.2021 made in Cr.M.P.No.754 of 2021 on the file of the learned II Additional District & Sessions Judge (PCR), Tirunelveli.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 05.07.2021 made in Cr.M.P.No.754 of 2021 on the file of the learned II Additional District & Sessions Judge (PCR), Tirunelveli, 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 II Additional District & Sessions Judge (FAC), Tirunelveli, 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]**.

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Sd/-

Assistant Registrar (Crl.Side)

// 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 & Sessions Judge (FAC),
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli.
- 3.The Sub Inspector of Police,
Munnerpallam Police Station,
Tirunelveli District.
4. The Officer in Charge,
Sub Jail, Nanguneri.
5. The standing counsel for state Government.(Crl.side)
Madurai Bench of Madras High Court, Madurai.

Crl.A(MD)No.283 of 2021

27.07.2021

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