



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2021

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

Crl.A(MD)No.288 of 2021

P.Ganesan ... Appellant/Accused No.1

Vs.

1.The State Rep.by
The Deputy Superintendent of Police,
Checkanoorani Police Station,
Madurai District.
(Cr.No.2058 of 2020) ...1st Respondent/Complainant

2.Nagajothi ... 2nd 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 23.06.2021 in Crl.M.P.No.660 of 2021 in Spl.S.C.No.22 of 2021 on the file of the III Additional District and Sessions (PCR) Court, Madurai and enlarge the appellant on bail.

For Appellant : Mr.P.Karthick

For R-1 : Mr.RMS.Sethuraman
Counsel for State Government (Crl.side)

For R2 : Mr.A.Vignesh
for Mr.R.Alagumani

J U D G M E N T

Heard Mr.P.Karthick, learned counsel appearing for the appellant and Mr.RMS.Sethuraman, learned counsel for State Government (Crl.side) appearing for R1 and Mr.A.Vignesh, learned counsel for Mr.R.Alagumani appearing for R2.

2.This Criminal Appeal has been filed to set aside the dismissal order of the bail petition in Crl.M.P.No.660 of 2021 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai, dated 23.06.2021.



3.The Appellant, who arrested and remanded to judicial custody on 05.03.2021, for the offence punishable under Sections 147, 148, 149, 302, 120(b), 341, 342 and 34 IPC r/w Section 3(2)(v) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) 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 05.03.2021 onwards.

5.Mr.RMS.Sethuraman, learned counsel appearing for State Government (Crl.side), on instructions, would submit that the appellant herein is arrayed as A1. He would further submit that if the appellant/A1 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.Mr.A.Vignesh, learned counsel appearing for R2 has strongly opposed to grant bail to the appellant.

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 23.06.2021 made in Crl.M.P.No.660 of 2021 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai.

8.Accordingly, the Criminal Appeal is allowed and the order, dated 23.06.2021 made in Crl.M.P.No.660 of 2021 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai, 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 III Additional District and Sessions (PCR) Court, Madurai, and on further condition that:

[a] the appellant shall appear before the concerned court, 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]**.

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Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 III Additional District and Sessions Judge (PCR),
Madurai.
- 2.The Deputy Superintendent of Police,
Checkanoorani Police Station,
Madurai District.
- 3.The Superintendent,
Central Prison,
Marathvada, Pune,
Maharashtra.
- 4.The Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MGJ(18.08.2021) 3P 5C