



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2021

CORAM

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

Crl.A(MD)No.302 of 2021

1.Vignesh@Vikki
2.Sathiyamoorthi

... Appellants/Accused Nos.1&2

Vs.

1.The State Rep. by
The Deputy Superintendent of Police,
Mannarkudi Sub Division,
Thiruvarur District.

2.The Inspector of Police,
Paravakkottai Police Station,
Thiruvarur District.
(Cr.No.533 of 2021)

...1st & 2nd Respondents/Complainants

3.Praveen

... 3rd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Amendment Act) of 2014 Amendment by 1/2016, to set aside the order made in Crl.M.P.No.283 of 2021 on the file of the I Additional District and Sessions Judge (PCR) Court, Thanjavur, dated 13.07.2021 and allowed the appeal and enlarge the appellants on bail.

For Appellants : Mr.B.Jameel Arasu

For R-1 & R-2 : Mr.RMS.Sethuraman
Counsel for State Government (Crl.side)

For R3 : Mr.V.Selvakumar

J U D G M E N T

Heard Mr.B.Jameel Arasu, learned counsel appearing for the appellants and Mr.RMS.Sethuraman, learned counsel appearing for State Government (Crl.side) and Mr.V.Selvakumar, learned counsel appearing 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.283 of 2021 on the file of the learned I Additional District & Sessions Judge (PCR), Thanjavur, dated 13.07.2021.

3.The Appellants, who arrested and remanded to judicial custody on 21.06.2021, for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii) IPC r/w Sections 3(1)(r)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, on the file of the respondent police, seek appeal 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 21.06.2021 onwards.

5.Mr.RMS.Sethuraman, learned counsel for State Government (Crl.side) appearing for the respondent police, on instructions, would submit that the appellants herein are arrayed as A1 & A2. He would further submit that if the appellants/A1 & A2 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.Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 13.07.2021 made in Crl.M.P.No.283 of 2021 on the file of the learned I Additional District & Sessions Judge (PCR), Thanjavur.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 13.07.2021 made in Crl.M.P.No.283 of 2021 on the file of the learned I Additional District & Sessions Judge (PCR), Thanjavur, 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 I Additional District & Sessions Judge (PCR), Thanjavur, 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 (CS I)

// 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 I Additional District & Sessions Judge (PCR)
Thanjavur
- 2.The Deputy Superintendent of Police,
Mannarkudi Sub Division,
Thiruvarur District.
- 3.The Inspector of Police,
Paravakkottai Police Station,
Thiruvarur District.
- 4.The Officer in Charge,
District Prison,
Nagapattinam.
- 5.The Counsel for State Government (Crl Side)
Madurai Bench of Madras High Court,
Madurai.

Crl.A(MD)No.302 of 2021
02.08.2021

MGJ(03.08.2021) 3P 6C

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