



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2021

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

Crl.A(MD)No.309 of 2021

1.Gunasekaran @ Guna
2.Pratheesh @ Peruvali

... Appellants/Accused Nos.3&4

Vs.

1.State through
The Deputy Superintendent of Police,
Palani Sub Division,
Palani,
Dindigul District.

2.The Inspector of Police,
Palani Adivaram Police Station,
Palani.
(Cr.No.441 of 2020)

...1st & 2nd Respondents/Complainants

3.S.Anand

... 3rd Respondent/Defacto Complainant

Prayer : This Appeal is filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (POA) Act, Amendment on 2015, to allow this Criminal Appeal preferred by these appellants and set aside their bail dismissal order passed by the Sessions Judge (Special Court for SC/ST (POA) Act Cases), Dindigul in Crl.M.P.No.253 of 2021, dated 06.03.2020.

For Appellants : Mr.J.William Christopher

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.J.William Christopher, learned counsel appearing for the appellants 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 dismissal order of the bail petition in Crl.M.P.No.253 of 2021 on the file of the learned Sessions Judge (Special Court for SC/ST (POA) Act Cases), Dindigul, dated 06.03.2020.

3.The Appellants, who arrested and remanded to judicial custody on 14.07.2020 and 15.07.2020 respectively, for the offences punishable under Sections 147, 148, 341, 307, 302 IPC and Section 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 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 14.07.2020 and 15.07.2020 respectively 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 A3 & A4. He would further submit that if the appellants/ A3 & A4 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 06.03.2020 made in Crl.M.P.No.253 of 2021 on the file of the learned Sessions Judge (Special Court for SC/ST (POA) Act Cases), Dindigul.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 06.03.2020 made in Crl.M.P.No.253 of 2021 on the file of the learned Sessions Judge (Special Court for SC/ST (POA) Act Cases), Dindigul, 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 Sessions Judge (Special Court for SC/ST (POA) Act Cases), Dindigul, and on further condition that:

[a] the appellants shall appear before the concerned court, daily 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-II)

// 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 SC/ST (POA) Act Cases,
Dindigul.
- 2.The Deputy Superintendent of Police,
Palani Sub Division, Palani, Dindigul District.
- 3.The Inspector of Police,
Palani Adivaram Police Station, Palani.
- 4.The superintendent,
Central Prison, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.WILLIAMCHRISTOPHER, Advocate (SR-26022[F] dated 11/08/2021)

Crl.A(MD)No.309 of 2021
11.08.2021

vr(CO)

TR(12.08.2021) 3P 7C