



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

CORAM

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

Crl.A(MD)No.339 of 2021

Muthuramalingam

... Appellant/Accused No.1

Vs.

1.State through

The Deputy Superintendent of Police,
Thiruchuzhi Sub Division, Virudhunagar District.

2.The Inspector of Police,
Veeracholan Police Station,
Virudhunagar District.
(Cr.No.27 of 2021)

...1st & 2nd Respondents/Complainants

3.Mari Ganesh

... 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 as amended by Act 1 of 2016, to call for the records relating to the order, dated 30.07.2021 made in Crl.M.P.No.1184 of 2021 on the file of the Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur, and set aside the same and enlarge the appellant on bail.

For Appellant : Mr.V.Sasi Kumar

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

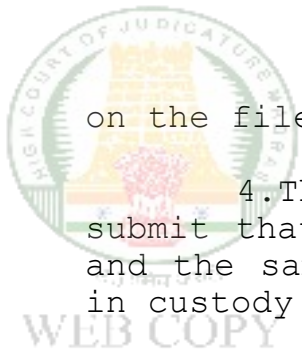
For R3 : No Appearance

J U D G M E N T

Heard Mr.V.Sasi Kumar, learned counsel appearing for the appellant and Mr.RMS.Sethuraman, learned counsel for State Government (Crl.side) appearing for the first and second respondents. 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.1184 of 2021 on the file of the learned Sessions Judge, Special Court for trial of SC/ST (POA) Act Cases, Srivilliputhur(FAC), dated 30.07.2021.

3.The Appellant, who arrested and remanded to judicial custody on 30.07.2021, for the offences punishable under Sections 294(b), 323 and 379 IPC and 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act



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 30.07.2021 onwards.

5.Mr.RMS.Sethuraman, learned counsel 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 objected 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 30.07.2021 made in Cr.M.P.No.1184 of 2021 on the file of the learned Sessions Judge, Special Court for trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 30.07.2021 made in Cr.M.P.No.1184 of 2021 on the file of the learned Sessions Judge, Special Court for trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur, 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 the learned Sessions Judge, Special Court for Trial of SC/ST (POA) Act Cases, Virudhunagar District at Srivilliputhur, 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]**.

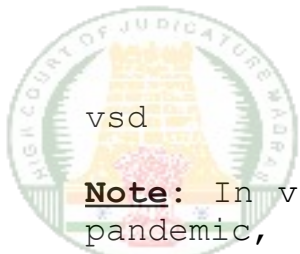
Sd/-

Assistant Registrar(CS-III)

// 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 Trial of SC/ST (POA) Act Cases,
Virudhunagar District at Srivilliputhur.
- 2.The Officer Incharge, District Prison, Dindigul.
- 3.The Deputy Superintendent of Police,
Thiruchuzhi Sub Division,
Virudhunagar District.
- 4.The Inspector of Police,
Veeracholan Police Station,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.A(MD)No.339 of 2021
03.09.2021

AC(CO)
TR(06.09.2021) 3P 6C