



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

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

Crl.A(MD)No.352 of 2021

Naresh Kumar

... Appellant/Accused No.6

Vs.

1.The Deputy Superintendent of Police,  
Paramakudi,  
Ramanad District.

2.The State Rep. by  
The Inspector of Police,  
Paramakudi Town Police Station,  
Ramanathapuram District.  
(Cr.No.175 of 2021)

...1<sup>st</sup> & 2<sup>nd</sup> Respondents/Complainants

3.Renuga

... 3<sup>rd</sup> Respondent/Defacto Complainant

**Prayer :** This Appeal is filed under Section 14 A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 r/w 374 (2) of Cr.P.C), to call for the records pertaining to the order, dated 28.07.2021 made in Crl.M.P.No.401 of 2021 before the Sessions Judge, Special Court Exclusively Trial of Cases under SC/ST Act, Ramanathapuram and set aside the same and enlarge the appellant on bail in connection with Crime No.175 of 2021 on the file of the 2<sup>nd</sup> respondent by allowing this Criminal Appeal.

For Appellant : Mr.R.Murali

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.R.Murali, 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 Crl.M.P.No.401 of 2021 on the file of the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, dated 28.07.2021.

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3.The Appellant, who arrested and remanded to judicial custody on 10.07.2021, for the offences punishable under Sections 302 IPC and 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) 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 10.07.2021 onwards.

5.Mr.RMS.Sethuraman, learned counsel for State Government (Crl.side), on instructions, would submit that the appellant herein is arrayed as A6. He would further submit that if the appellant/A6 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 28.07.2021 made in Crl.M.P.No.401 of 2021 on the file of the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 28.07.2021 made in Crl.M.P.No.401 of 2021 on the file of the learned Sessions Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, 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 Cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, 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;

<https://hcservices.ecourts.gov.in/hcservices> **[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

// True Copy //

/ /2021

Sub Assistant Registrar

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 Cases  
registered under SC/ST (POA) Act, 1989,  
Ramanathapuram.

2.The Deputy Superintendent of Police,  
Paramakudi,  
Ramanad District.

3.The Inspector of Police,  
Paramakudi Town Police Station,  
Ramanathapuram District.

4.The Officer Incharge,  
District Prison, Ramanathapuram District.

5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.SURESH KUMAR, Advocate (SR-28916[F] dated 14/09/2021)

Crl.A(MD)No.352 of 2021  
13.09.2021

vsd

MS/PN/SAR-2/14.09.2021/3P.7C