



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 10.02.2021

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.384 of 2020

WEB COPY
Ajithkumar

... Appellant

Vs.

1.The Deputy Superintendent of Police,
Dindigul Rural Sub Division,
Dindigul District.

2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.1078 of 2020)

3.Sakadevan

... Respondents

Prayer : This Criminal Appeal is filed under Section 14(A) (2) of the The Schedule Castes and Tribes Prevention of Atrocities Act, 1989, as amended by Act 1 of 2016, to set aside the order passed in Crl.M.P.No.389 of 2020, on the file of the Special Court for Exclusively Trial of cases under SC/ST (POA) Act cum Sessions Judge, Dindigul and release the petitioner on bail pending investigation in Crime No.1078 of 2020 on the file of Dindigul Taluk Police Station, Dindigul District.

For Appellant

: Mr.S.C.Herold Singh

For Respondents 1 and 2

: Mrs.S.Bharathi
Government Advocate

JUDGMENT

This appeal has been filed to set aside the order, dated 03.12.2020, passed in Crl.M.P.No.389 of 2020, on the file of the Special Court for Exclusively Trial of cases under SC/ST (POA) Act cum Sessions Judge, Dindigul.

2.The case against the appellant is that on 15.09.2020, at 01.30 p.m., there was a quarrel between the accused and the deceased regarding a love affair, due to which, the accused assaulted the deceased with bottle and caused him grievous injuries which lead to his death. A case in Crime No.1078 of 2020 was registered against the appellant under Sections 294(b), 302 I.P.C and Section 3(2)(v) of SC / ST (POA) Act and the appellant was arrested by the respondent police. Subsequently, the appellant filed a bail petition in Cr.M.P.No.389 of 2020 before the Special Court. The learned Judge dismissed the petition. Against which, the appellant preferred the



appeal before this Court.

3. On the side of the appellant, it is stated that the appellant was arrested on 16.09.2020 and he is in custody for the past 140 days. Already charge sheet was filed and the trial has been commenced and hence, there is no question of tampering witnesses and prayed the appellant to be released on bail.

4. On the side of the respondents 1 and 2, it is stated that the appellant was involved in a grievous offence. Already investigation completed and final report was filed and the same was taken on file as Spl.S.C.No.45 of 2020 and there is a chance for harassing the witnesses and prayed the appeal to be dismissed.

5. Notice was served on the third respondent / defacto complainant through Police, name printed, none appears for the third respondent / defacto complainant.

6. It is seen that the charge sheet was already filed and the same was taken on file as Spl.S.C.No.45 of 2020 and is pending trial. Since charge sheet was already filed, there is no question of tampering the witnesses.

6. Hence, the Criminal Appeal is allowed and the appellant is ordered to be released on bail, subject to the following conditions:

- (i) the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Special Court for Exclusively Trial of cases under SC/ST (POA) Act cum Sessions Judge, Dindigul.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court for Exclusively Trial of cases under SC/ST (POA) Act cum Sessions Judge, Dindigul, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) On release, the appellant should reside in Tirunelveli District and not to enter Dindigul District.
- (vi) On release, the appellant shall appear before the Tirunelveli Town Police Station daily twice ie. 10.30 a.m and 05.00 p.m;



(v) the appellant shall cooperate with the investigation and the appellant shall appear before the second respondent and Court both during investigation and trial, as and when required.

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(vi) 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 appellant released on bail by the Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

Assistant Registrar (CO)

// 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 Principal District Judge,Dindigul.
- 2.The Special Court for Exclusively Trial of cases
under SC/ST (POA) Act cum Sessions Judge,
Dindigul.
- 3.The Superintendent of Police,
Dindigul District.
- 4.The Superintendent,
District Jail, Dindigul,
Dindigul District.
- 5.The Deputy Superintendent of Police,
Dindigul Rural Sub Division,
Dindigul District.



6.The Inspector of Police,
Dindigul Taluk Police Station,Dindigul District.

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

8.The Section Officer ,Criminal Section,
Madurai Bench of Madras High Court,Madurai. (2C)

Copy to

**The Inspector of Police,
Tirunelveli Town Police Station,
Tirunelveli**

**+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-4403[F] dated
11/02/2021)**

Crl. A.(MD)No.384 of 2020
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(PK)CO
AP(11/02/2021) 4P 12C