



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 29.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE S. ANANTHI

Crl. A. (MD)No.548 of 2021

Parthiban

.. Appellant/Accused No.3

Vs.

1.The Deputy Superintendent of Police,
Thoothukudi Rural,
Thoothukudi.

2. State Through the Sub Inspector of Police
Thattaparai Police Station,
Thoothukudi District.
Crime No.93 of 2021

... Respondent/Complainants

3.Revathy

.. Respondent/Defacto Complainant

Prayer : This criminal appeal is filed under Section 14A(2) of Scheduled Castes and the Scheduled Tribes Act, 1989 as amended Act 1 of 2016, to call for the records relating to the order in Cr.M.P.No.1466 of 2021, dated 21.12.2021 on the file of the learned Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Thoothukudi and set aside the same and grant statutory bail under Section 167(2) of Cr.P.C. to the appellant as rights guaranteed by Constitutional by allowing this criminal appeal.

For Appellant : Mr.Suyambulinga Bharathi
for Mr.R.Anandharaj

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
for R1 and R2

JUDGMENT

This appeal has been filed to set aside the order, dated 21.12.2021, in Cr.M.P.No.1466 of 2021, on the file of the Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Thoothukudi and to enlarge the appellant on statutory bail.



2.The case against the appellant is that the deceased borrowed money from the appellant and other accused and thereafter, did not pay the interest. Due to which, the appellant and others abused the deceased in filthy language and also threatened him. Hence, the deceased committed suicide by consuming poison. A case in Crime No.93 of 2021 under Sections 294(b), 352, 506(i) and 306 IPC and Sections 4 and 9 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Sections 3(1) (r) , 3(1)(s), 3(2) (va) of SC/ST (Prevention of Atrocities) Act, 1989 @ Sections 294 (b), 352, 506(i) and 306 IPC and Sections 4 and 9 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Sections 3 (1) (r) , 3(1)(s), 3(2) (V) of SC/ST (Prevention of Atrocities) Act, 1989 was registered against the appellant and others. The appellant filed a petition for bail in Cr.M.P.No.1466 of 2021, before the Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Thoothukudi. That petition was dismissed by the Special Court, on 21.12.2021. Against the same, the appellant preferred this Criminal Appeal.

3.On the side of the appellant, it is stated that in the F.I.R, only three persons were shown as named accused and on the basis of confession statement given by the co-accused, other two persons were implicated as accused in this case. The prime accused A1 was already released on bail by this Court. The appellant is arrayed as A3 in the case and he was arrested and remanded to judicial custody on 13.10.2021 and he is in custody for the past 78 days. Till date, the respondent police has not filed the charge sheet before the concerned Court and hence, he seeks statutory bail.

4.On the side of the respondents 1 and 2, it is stated that the appellant herein is arrayed as A3. He would further submit that if the appellant/A3 is released on statutory bail, he will tamper with the prosecution witnesses and hamper the investigation and therefore, he objected to grant bail to the appellant.

5.It is seen that the respondent police failed to file charge sheet within the time limit of 60 days and the appellant is entitled for statutory bail under Section 167(2) Cr.P.C, since the appellant is in custody for the past 78 days.

6.In the above circumstances, this Court is inclined to release the appellant on statutory bail. 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 Trial of Cases registered under SC/ST (POA) Act, 1989, Thoothukudi.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Thoothukudi, may obtain a copy of any valid identity proof to ensure their identity.

(iii) On release, the appellant shall appear before the learned Judge, Special Court for Trial of Cases registered under SC/ST (POA) Act, 1989, Thoothukudi daily at 10.30 a.m., until further orders.

(iv) the appellant shall not tamper with evidence or witness either during investigation or trial.

(v) the appellant shall not abscond during trial.

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/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 learned Magistrate/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/-

Vacation Officer/
Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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 Judge,

Special Court for Trial of Cases registered
under SC/ST (POA) Act, 1989, Thoothukudi

2.The Deputy Superintendent of Police,
Thoothukudi Rural, Thoothukudi.



3.The Sub Inspector of Police
Thattaparai Police Station,
Thoothukudi District.

4. The Superintendent, Central Jail, Palayamkottai,
Tirunelveli District.

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

Crl. A. (MD) No.548 of 2021
29.12.2021

DJ(CO)
TR(30.12.2021) 4P 6C