



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.A.No.483 of 2022

1. Manoharan
2. Marimuthu
3. Selvam @ Selvakumar ...Appellants/Petitioners

Versus

1. The Deputy Superintendent of Police,  
Polur Sub-Division,  
Thiruvannamalai District.
2. The Inspector of Police,  
Kadaladi Police Station,  
Thiruvannamalai District.  
(Crime No.38 of 2022)
3. Muthuraman ...Respondents 1&2/Respondents

Prayer: Criminal Appeal filed under Section 14(A) of the SC and ST Act to set aside the order, dated 18.04.2022 made in Crl.M.P.No.375 of 2022 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thiruvannamalai and to allow the above the Criminal Appeal by enlarging the appellants on bail.

For Appellants : Mr.A.Sathishkumar  
For Respondents : S.Vinoth Kumar  
Govt. Advocate (Crl. Side) for RR-1 and 2  
Mrs.V.Susithra, for R3

JUDGMENT

This appeal is filed aggrieved by the order of the Special Court for Trial of Cases under SC/ST (POA) Act, Thiruvannamalai, dated 18.04.2022 in Crl.M.P.No.375 of 2021, in and by which, the application for bail filed by the petitioners is dismissed by the Trial Court.

2. The first petitioner was arrested and remanded to the custody on 05.03.2022 and the petitioners 2 and 3 were arrested



and remanded to the custody on 19.03.2022, pursuant to the investigation, for the case in the Crime No.38 of 2022, for the alleged offences under Sections 147, 148, 324 of I.P.C r/w 3(1) (za) (A), 3(2) (va) of SC/ST (POA) Amended Act, 2016 r/w 3(1) of TNPPDL Act into Secs.294(b), 147, 148, 324, 307 of I.P.C r/w 3 (1) (za) (A), 3(2) (va) of SC/ST Act, 2016 r/w 3(1) of TNPPDL Act.

3. M/s.V.Susithra, the learned Counsel appearing on behalf of the victim, would oppose the prayer for bail.

4. It is clear from the submissions of the learned Government Advocate (Crl. Side) that the co-accused, in this case, have been released on bail and there are no other bad antecedents.

5. Therefore, considering the overall facts and circumstances of the case and considering the fact that the co-accused, who are similarly situated, have been released on bail by this Court in Crl.A.Nos.133, 134, 136 and 252 of 2022, I am of the view that this is a fit case for grant of bail on the following conditions:-

(a) the appellants shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thiruvannamalai;

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) The appellants shall appear before the second respondent Police, daily at 10.00 A.M until further orders. Further, the appellants should not enter into the occurrence place without the permission of this Court;

(d) The appellants shall not tamper with evidence or witness either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Judge/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 learned Judge/Trial Court himself as laid down by the Hon'ble Supreme Court of India in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];



(f) if the accused thereafter absconds, a fresh F.I.R can be registered under Section 229A of I.P.C.

6. In the result, the order, dated 18.04.2022 made in Crl.M.P.No.375 of 2022 passed by the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (POA) Act, Thiruvannamalai is set aside and the Criminal Appeal is accordingly allowed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

grs

To

1. The Sessions Judge,  
Special Court for Trial of Cases  
under SC/ST (POA) Act, Thiruvannamalai.
2. The Public Prosecutor,  
High Court of Madras.
3. The Deputy Superintendent of Police,  
Polur Sub-Division,  
Thiruvannamalai District.
4. The Inspector of Police,  
Kadaladi Police Station,  
Thiruvannamalai District.
5. The Superintendent,  
Central Prison, Vellore.

+1cc to M/s.K.Nithyashree, Advocate, S.R.No.39386

+1cc to M/s.A.Sathish Kumar, Advocate, S.R.No.39387

Crl.A.No.483 of 2022

SSN(CO)  
KKV/24/06/2022