



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:04.02.2022
CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

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Crl. A. (MD)No.20 of 2022

Maruthupandi ... Appellant/Accused -4
Vs.

1.The Deputy Superintendent of Police,
CBCID,
In Crime No.2 of 2015.
Thoothukudi.

2.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
In Crime No.57 of 2015 ...1st and 2nd Respondents/Complainants

3.Marimuthu ...2nd Respondent/Defacto Complainant

Prayer : This criminal appeal filed under Section 14-A(2) of SC/ST (POA) 2015, to call for the records relating to the order in Cr.M.P.No.1463/2021, dated 27.12.2021, 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.

For Appellant	: Mr.K. Suyambulinga Bharathi
For R1 & R2	: Mr.R.M.Anbunithi
	Additional Public Prosecutor
For R3	: No appearance

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed by the Sessions Judge, Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Thoothukudi, in Crl.M.P.No.1463 of 2021, dated 27.12.2021 and enlarge the appellant on bail.

2. A case in Crime No.2 of 2015 was registered by the respondent police, against the appellant, under Sections 147, 148, 109, 120(b), 302 r/w 149 IPC and Section 25(1-B) of Arms Act 3(2)(v) of SC/ST (POA) Act 1989 and the case was taken on file in S.C.No.38 of 2021. The petitioner was released on bail, but he failed to appear before the trial Court on 11.11.2020 and the learned Judicial Magistrate No.I, Kovilpatti issued NBW against the petitioner and the petitioner was remanded on 28.07.2021. The appellant filed a petition for bail in Crl.M.P.No.1463 of 2021. That petition was



dismissed by the Special Court on 27.12.2021. Against the same, the appellant has preferred this Criminal Appeal.

3. On the side of the appellant, it is stated that the appellant was already released on bail and he was regular in appearing before the Court from the year 2017 till the year 2020, but only on 11.11.2020 he could not appear before the Court and NBW was issued against the petitioner. The petitioner is in custody for the past 185 days and due to pandemic situation, no witness was examined by the trial Court and there is no progress in the case. The appellant name was not found in the place in the FIR and only on the confession of co-accused, he was implicated in the case as A4. The deceased himself is having so many cases, only due to previous motive, this case has been registered and prayed the appellant to be released on bail.

4. On the side of the prosecution, it is stated that the appellant is a hire cooligan and he involved in 23 previous cases and prayed the appeal to be dismissed.

5. Though, name of the third respondent was printed, there is no representation on the side of the third respondent.

6. It is seen that the appellant is in custody for the past 185 days. Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to release the appellant on 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 under SC / ST (POA) Act, 1989, Thoothukudi;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court for Trial of Cases under SC / ST (POA) Act, 1989, Thoothukudi, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) the appellant shall not tamper with evidence or witness either during investigation or trial.
- (iv) 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.
- (v) The appellant shall appear before the Special Court for Trial of Cases under SC / ST (POA)



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Act, 1989, Thoothukudi, daily at 10.30 a.m, and 05.30 p.m., until further orders ;

(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/-

Assistant Registrar (Records)

// True Copy //

/ /2022

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 Special Court for Trial of Cases
under SC / ST (POA) Act, 1989, Thoothukudi.
- 2.The Deputy Superintendent of Police,
CBCID,
In Crime No.2 of 20251.
Thoothukudi.
- 3.The Inspector of Police,
Srivaikundam Police,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 5.The District Jail,
Peruoorani,
Thoothukudi District.

Crl. A. (MD)No.20 of 2022

04.02.2022