



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 31.01.2022

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD)Nos.4 and 5 of 2022

Crl.A.(MD)Nos.4 of 2022

Mari

.. Appellant /Accused No.1

Vs.

State Rep. by its

1.The Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai District.

2.The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.
(Crime No.183/1992)

...1st & 2nd Respondents / Complainants

3.Muniyandi ... 3rd Respondent / Defacto complainant

Prayer : This criminal appeal filed under Section 14-A(2) of SC/ST (POA) Amended Act, 2016, to call for the records in Cr.M.P.No.1738 of 2021, dated 31.12.2021, on the file of the Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai and to set aside the same and enlarge the appellant / accused No.1 on bail in S.C.No.16 of 2010 on the file of the Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai.

For Appellant

: Mr.N.Mohideen Basha

For R1 & R2

: Mr.R.M.Anbunithi
Additional Public Prosecutor

For R3

: No appearance

Crl.A.(MD)Nos.5 of 2022

Ramachandhiran @ Ramakrishnan

.. Appellant /Accused No.1

Vs.

State Rep. by its

1.The Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai District.



2.The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.
(Crime No.183/1992)

... 1st & 2nd Respondent / Complainant

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3.Muniyandi ... 3rd Respondent / Defacto complainant

Prayer : This criminal appeal filed under Section 14-A(2) of SC/ST (POA) Amended Act, 2016, to call for the records in Cr.M.P.No.1739 of 2021, dated 31.12.2021, on the file of the Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai and to set aside the same and enlarge the appellant / accused No.1 on bail in S.C.No.47 of 2014 on the file of the Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai.

For Appellant	: Mr.N.Mohideen Basha
For R1 & R2	: Mr.R.M.Anbunithi Additional Public Prosecutor
For R3	: No appearance

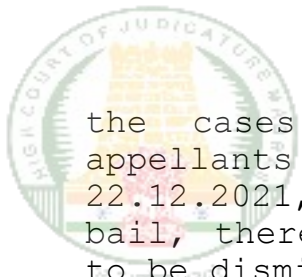
COMMON JUDGMENT

These Criminal Appeals have been filed against the order passed in Cr.M.P.Nos.1738 and 1739 of 2021, dated 31.12.2021, on the file of the Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai and enlarge the appellant on bail.

2. The appellants have filed petitions for bail in Cr.M.P.No.1738 and 1739 of 2021, before the Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai. That petition was dismissed by the Special Court on 31.12.2021. Against the same, the appellants have preferred these Criminal Appeals.

3. On the side of the appellants, it is stated that there were 42 accused in the case, except the two accused / appellants, all other accused were acquitted. The appellants are in judicial custody for the past 28 days, even the defacto complainant said no objection to the release of the appellants and prayed the appellant to be released on bail.

4. On the side of the prosecution, it is stated that the occurrence is of the year 1992. Totally 43 accused involved in the offence. Only because of the absence of the appellants, the case was split up. Two of the cases were ended in acquittal and two of



the cases are pending disposal. NBW was issued against the appellants on 26.04.2018 and only after 3 ½ years, ie. on 22.12.2021, they surrendered. If the appellants are released on bail, there is a chance of absconding again and prayed the appeals to be dismissed.

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5. A report was called for from the trial Court and the report reveals that there are two sessions cases pending in this regard. The appellant in Crl.A.(MD)No.4 of 2022, ie.Mari, is cited as second accused in S.C.No.16 of 2010. There are three accused mentioned in S.C.No.16 of 2010. A1- Meenal is said to be reported dead and the case against the said Meenal was split up as Special S.C.No.28 of 2021 and now S.C.No.16 of 2010 is pending against the appellant / Mari and against A3-Boomi. This case is pending for examination of L.W.1. It is seen that another case in S.C.No.47 of 2014 was pending against the appellant in Crl.A.(MD)No.5 of 2022, ie. Ramachandran- A2 and one Sethu-A1. The appellant/Ramachandran is in custody and that the case is posted for framing of charges.

6. It is seen that the occurrence is of the year 1992. The case was split up in the year 2010 and 2014 respectively. The trial in that cases were pending due to the absence of the appellants. The appellants surrendered before the trial Court only after 3 ½ years (ie. on 22.12.2021) from the date of issuance of NBW. It is seen that the appellants are in custody for the past one month. Considering the period of incarceration and considering the stage of the case, this Court is inclined to release the appellants on bail. Hence, these Criminal Appeals are allowed and the Appellants are ordered to be released on bail, subject to the following conditions:

- (i) the appellants shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty thousand only) each with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai, may obtain a copy of any valid identity proof to ensure their identity.
- (iii) the appellants shall not tamper with evidence or witness either during investigation or trial.
- (iv) the appellants 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 appellants shall appear before the Special Court for Exclusive Trial of Cases under SC / ST (POA) Act, 1989, Sivagangai, daily at 10.30 a.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 appellants 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(Writs)

// True Copy //

31/01/2022

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 Exclusive Trial of Cases
under SC / ST (POA) Act, 1989,
Sivagangai
- 2.The Deputy Superintendent of Police,
Sivagangai Sub Division,
Sivagangai District.
- 3.The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.
- 4.The Superintendent, Central Prison, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl. A. (MD)Nos.4 and 5 of 2022

31.01.2022

BK(CO)

TR(31.01.2022) 4P 6C