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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.A.(MD).No.21 of 2022

1.Anantharaj
2.Jeyakumar ...Appellants/Petitioners/Accused Nos.1 & 4

Vs.

1.The State rep. by
The Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District. ... 1st Respondent/Investigation Officer

2.The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.
(Crime no.187 of 2021) ... 2nd Respondent / Respondent/ complainant

3.Maharajan ... 3rd Respondent / Victim / Defacto complainant

PRAYER : Criminal Original Petition is filed under Section 14(A)(2) of the Schedule Castes and Tribes Prevention of Atrocities Act, 2015 as Amended by Act 1 of 2016, to call for the records pertaining to the order passed in Cr.M.P.No.14 of 2022 on the file of the learned II-Additional District and Sessions Court (F.A.C), Tirunelveli, dated 19.01.2022 and set aside the same as illegal and enlarge the appellants on bail by allowing the appeal.

For Appellants : Mr.S.Vikram
For R1 & R2 : Mr.K.Sanjay Gandhi
Government Advocate (crl.side)

ORDER

Heard Mr.S.Vikram, learned counsel appearing for the appellants and Mr.K.Sanjay Gandhi, learned Government Advocate (Crl.side) appearing for respondent police.

2.This Criminal Appeal has been filed to set aside the dismissal order of the bail petition in Crl.M.P.No.14 of 2022 on the file of the learned II-Additional District and Sessions Judge (F.A.C), Tirunelveli, dated 19.01.2022.

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3.The Appellants, who arrested and remanded to judicial custody 17.12.2021, for the offences punishable under Sections 419, 420, 427, 467 and 471 IPC r/w Section 3(1) (g) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, on the file of the respondent police, seeks appeal bail.

4.The learned counsel appearing for the appellants would submit that the appellants have been falsely implicated in this case and the same has not been considered properly and the appellants are in custody from 17.12.2021 onwards.

5.The learned Additional Public Prosecutor, on instructions, would submit that the appellants herein are arrayed as A1 and A4. He would further submit that if the appellants are released on bail, he will tamper with the prosecution witnesses and hamper the investigation and therefore, he objected to grant bail to the appellants.

6.Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 19.01.2022 made in Crl.M.P.No.14 of 2022 on the file of the learned II-Additional District and Sessions Judge (F.A.C), Tirunelveli.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 19.01.2022 made in Crl.M.P.No.14 of 2022 on the file of the learned II-Additional District and Sessions Judge (F.A.C), Tirunelveli, is set aside. The appellants are ordered to be released on bail on their executing 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 II-Additional District and Sessions Judge (F.A.C), Tirunelveli and on further condition that:

[a] the appellants shall appear before the **second respondent Police** daily at 10.30 a.m. until further orders;

[b] the appellants shall not tamper with evidence or witness either during investigation or trial;

[c] the appellants shall not abscond either during investigation or trial;

[d] On breach of any of the aforesaid conditions, the 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

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

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

10/02/2022

Sub Assistant Registrar(CS II)

cp

To:-

1.The II-Additional District and Sessions Judge (F.A.C),
Tirunelveli.

2.The Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.

3.The Inspector of Police,
Moondradaippu Police Station,
Tirunelveli District.

4.The Superintendent,
Central Prison, Palayamkottai.

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

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