



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

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

CRL.A. (MD) .No.31 of 2022

Pandiyar @ Murugaiyan ... Appellant/Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thanjavur District.

2.The State,
Rep. by the Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
(Crime No.29 of 2022). ... Respondents 1 & 2/Complainants

3.Arulkanna ... 3rd Respondent/Defacto Complainant

PRAYER : Criminal Original Petition 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 dated 28.01.2022 passed in Cr.M.P.No.40 of 2022 on the file of the learned I-Additional District and Sessions Judge (PCR), Thanjavur and set aside the same and enlarge the appellant on bail in connection with Crime No.29 of 2022 on the file of the respondent police by allowing the appeal.

For Appellant : Mr.P.Kandasamy

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

ORDER

Heard Mr.P.Kandasamy, learned counsel appearing for the appellant 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 Cr1.M.P.No.40 of 2022 on the file of the learned I-Additional District and Sessions Judge (PCR), Thanjavur, dated 28.01.2022.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The appellant, who was arrested and remanded to judicial custody, for the offences punishable under Sections 294(b), 352 and 506(i) of I.P.C and Section 3(1) (s) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on the file of the respondent police, seeks appeal bail.

4.The learned counsel appearing for the appellant would submit that the appellant has been falsely implicated in this case and the same has not been considered properly and the appellant is in custody.

5.The learned Government Advocate (criminal side), on instructions, would submit that the appellant herein is arrayed as accused No.1. He would further submit that if the appellant is released on bail, he will tamper with the prosecution witnesses and hamper the investigation and therefore, he objected to grant bail to the appellant.

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 28.01.2022 made in Cr.M.P.No.40 of 2022 on the file of the learned I-Additional District and Sessions Judge (PCR), Thanjavur.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 28.01.2022 made in Cr.M.P.No.40 of 2022 on the file of the learned I-Additional District and Sessions Judge (PCR), Thanjavur, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned I-Additional District and Sessions Judge (PCR), Thanjavur and on further condition that:

[a] the appellant shall appear before the **second respondent Police** daily at 10.30 a.m., for a period of four weeks and thereafter as and when required;

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

[c] the appellant 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 appellant in



accordance with law, as if the conditions have been imposed and the appellant released on bail by the Trial Court itself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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Sd/-

Assistant Registrar(CS-)

// True Copy //

/02/2022

Sub Assistant Registrar(CS-II)

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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 I-Additional District and Sessions Judge (PCR),
Thanjavur.
- 2.The Officer Incharge, District Prison,
Pudukkottai.
- 3.The Deputy Superintendent of Police,
Thanjavur District.
- 4.The Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.P.KANDASAMY, Advocate SR.No. 1269

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KMK (CO)

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