



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM

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

CRL.A. (MD) .No.37 of 2022

John Deva Asir ...Appellant / Petitioner/3rd Accused
Vs.

- 1.The State rep. by its
Deputy Superintendent of Police,
Sathankulam Police Station,
Thoothukudi District.
(Crime No.193 of 2021) ... 1st Respondent / 1st Respondent/
Complainant
- 2.Vettumperumal ... 2nd Respondent/ 2nd respondent/ Defacto
Complainant

PRAYER : Criminal Appeal is filed under Section 14(A)(2) of SC/ST (PoA) Act, 1988 as Amended by Act 1 of 2016, to call for the records pertaining to the impugned order dated 20.01.2022 passed in Cr.M.P.No.20 of 2022 on the file of the learned Sessions Judge, Special Court for trial of cases under SC/ST (PoA) Act, Thoothukudi and to set aside the same as arbitrary and consequently enlarge the appellant on bail in connection with FIR in Crime No.193 of 2021 on the file of the respondent police.

For Appellant : Mr.J.David Ganesan

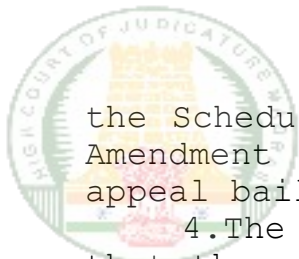
For R1 : Mr.K.Sanjay Gandhi
Government Advocate (crl.side)

ORDER

Heard Mr.J.David Ganesan, 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 Crl.M.P.No.20 of 2022 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Thoothukudi, dated 20.01.2022.

3.The Appellant, who arrested and remanded to judicial custody on 08.01.2022, for the offences punishable under Sections 294(b), 323 and 506(i) IPC and Sections 3(1) (r) and 3(1) (s), 3(2) (va) 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 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 from 08.01.2022 onwards.

5.The learned Additional Public Prosecutor, on instructions, would submit that the appellant herein is arrayed as A3. He would further submit that the appellant is having four previous cases, in which and if the appellant/A3 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 20.01.2022 made in Crl.M.P.No.20 of 2022 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Thoothukudi.

7.Accordingly, the Criminal Appeal is allowed and the order, dated 20.01.2022 made in Crl.M.P.No.20 of 2022 on the file of the learned Sessions Judge, Special Court for Trial of Cases under SC/ST (PoA) Act, Thoothukudi, is set aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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, Thoothukudi, and on further condition that:

[a] the appellant shall stay at Maduari and report before the **Inspector of Police, Tallakulam Police Station, Madurai** for a period of two weeks daily at 10.30 a.m., and thereafter, he shall appear before the **respondent Police** daily at 10.30 a.m. until further orders;

[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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Assistant Registrar (Records)

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/ /2022
Sub Assistant Registrar (CS)

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To:-

- 1.The Sessions Judge,
Special Court for trial of cases under SC/ST (PoA) Act,
Thoothukudi.
- 2.The Deputy Superintendent of Police,
Sathankulam Police Station,
Thoothukudi District.
- 3 The Inspector of Police,
Tallakulam Police Station, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

The Superintendent,
Perurani District Jail,
Thoothukudi District.

+1 CC to M/s.J.DAVID GANESAN, Advocate (SR-5142[F] dated 09/02/2022)

CRL.A. (MD) .No.37 of 2022
09.02.2022

MK/10.02.2022/3P/7C