



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.02.2022**

CORAM:

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

CrI. A(MD) No. 45 of 2022

1.Rajan
2.Karuppiah
3.Nanthakumar

.... Appellants/accused

Vs.

1.The Deputy Superintendent of Police,
Puliangudi Sub-Division,
Tirunelveli District.

2.The Inspector of Police,
Sivagiri Police Station,
Tirunelveli District.
(Cr.No.54/2022) .

3.Murugesan

..Respondents

PRAYER: The Criminal Appeal is filed under Section 14-A(ii) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016, to call for the records relating to the order in Cr.M.P.No.54 of 2022 dated 07.02.2022 on the file of the learned II Additional Session Judge, Tirunelveli and set aside the same and grant bail to the appellant by allowing this Criminal Appeal.

For Appellants : Mr.S.P.Veerapandi

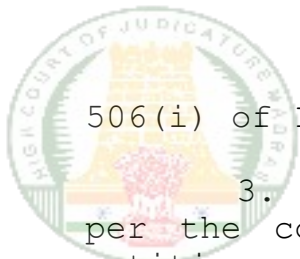
For R1 & R2 : Mr.R.M.Anbunithi

Additional Public Prosecutor

JUDGMENT

The present Criminal Appeal has been filed to set aside the impugned order, dated 07.02.2022 made in CrI.M.P.No.54 of 2022, on the file of the learned II Additional Session Judge, Tirunelveli.

2. The case of the prosecution is that on 30.01.2022, the petitioners along with their friends went to take bath in the river at Thalaiyani. At that time, they harassed the women folk of the defacto complainant's family. Therefore, the defacto complainant lodged a complaint before the second respondent which was registered in Crime No.54 of 2022 for the offence under Sections 147, 294(b),



506(i) of IPC and Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Act.

3. The learned counsel for the petitioners submits that as per the complaint, there is no specific overtact as against the petitioners and due to previous enmity, a false complaint has been lodged.

4. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submits that the injured has been discharged from the hospital.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

6. Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 07.02.2022 made in Crl.M.P.No.54 of 2022 on the file of the learned II Additional Session Judge, Tirunelveli.

7. Accordingly, the Criminal Appeal is allowed and the order, dated 07.02.2022 made in Crl.M.P.No.54 of 2022 on the file of the learned II Additional Session Judge, Tirunelveli, is set aside. The appellants are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned II Additional Session Judge, 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 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 (T AND P)

// True Copy //

14/02/2022

Sub Assistant Registrar (CS IV)



ssb

Note:

To:-

1. The II Additional Session Judge, Tirunelveli.
2. The Deputy Superintendent of Police,
Puliangudi Sub-Division,
Tirunelveli District.
3. Inspector of Police,
Sivagiri Police Station,
Tirunelveli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR.S.P.VEERAPANDI, ADVOCATE SR 1077

MGJ

14/02/2022

3P/7C

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14.02.2022