



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL A(MD). No.107 of 2022

WEB COPY

Immanuvel Gnana Pravin @ PraVin,
S/o.Selva Kalanjiam @ Selvam.

... Appellant/Petitioner/
Accused Rank not Known

Vs

1. The Deputy Superintendent Of,
Police,
Ambasamudram,
Tirunelveli District.

2. The Inspector of Police,
VK Puram Police Station,
Tirunelveli District.

(Cr.No. 40/2022). ... 1st & 2nd Respondents / Complainants

3. Palraj, ... 3rd Respondent / Defacto complainant

PRAYER :-

The Criminal Appeal is filed under Section 14-A(ii) of SC/ST (POA) Act, 1989, to set aside the order passed in CRL MP.No.92 of 2022 dated 17.02.2022 on the file of the II Additional Sessions Court, Tirunelveli and allow the criminal appeal and enlarge the appellant on Bail concerned in Crime No.40/2022 on the file of the 2nd respondent police.

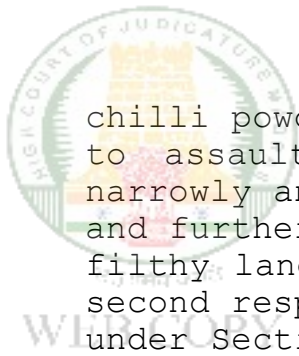
For Appellant : M/s.Kishok Kumar V.S.,
Advocate.

For Respondent : Mr.R.Sanjai Gandhi,
Government Advocate (Crl.Side)

O R D E R

The present Criminal Appeal has been filed to set aside the impugned order, in Cr.M.P.No.92 of 2022 dated 17.02.2022, on the file of the learned II Additional Sessions Court, Tirunelveli

2.The case of the prosecution is that on 02.02.2022 at about 09.45PM, when the third respondent/defacto complainant was returning to his village, three unknown persons intercepted him, wherein one of them drove bike towards him and amongst two other, one thrown



chilli powder on the defacto complainant's face and the latter tried to assault the defacto complainant with aruval and he escaped narrowly and thereby defacto complainant's mobile phone was snatched and further the accused persons scolded the defacto complainant with filthy language and also made criminal intimidation. Therefore, the second respondent registered a case against the Appellant and others under Sections 294(B), 324, 379, 506(2), 109, 120(b) IPC & Section 3 (1)(r), 3(1)(s) & 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, in Crime No.40 of 2022.

3.The learned counsel for the Appellant would submit that the earlier petition for bail was dismissed by the trial Court, that the Appellant is an innocent and he has been falsely implicated in this case and that the co-accused were already enlarged on bail. He would further submit that he is ready to abide any conditions and he is in judicial custody from 08.02.2022. Hence, he seeks bail.

4.Heard the learned counsel appearing for the Appellant and the learned Government Advocate (Crl.Side) appearing for the respondents and perused the materials available on record.

5.Considering the above facts and circumstances of the case, this Court is inclined to allow the Criminal Appeal by setting aside the order, Cr.M.P.No.92 of 2022 dated 17.02.2022 passed by the learned learned II Additional Sessions Court, Tirunelveli.

6.Accordingly, the Criminal Appeal is allowed and the order, Cr.M.P.No.92 of 2022 dated 17.02.2022 passed by the learned II Additional Sessions Court, Tirunelveli, 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 blood sureties, each for a like sum to the satisfaction of the learned II Additional Sessions Court, Tirunelveli, and on further condition that:

[a] the appellant shall appear before the second respondent police daily at 10.30 a.m., and 5.30 p.m. till the disposal of the trial;

[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 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]**.

WEB COPY

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 II Additional Sessions Judge (For PCR Act Cases),
Tirunelveli.

2.The Superintendent,
Central Prison, Nanguneri

3.The Deputy Superintendent Of Police,
Ambasamudram, Tirunelveli District.

4.The Inspector of Police,
VK Puram Police Station, Tirunelveli District.

5. The Superintendent/ Officer incharge,
Central Prison, Nanguneri.

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

+1 CC to M/s.V.S.KISHOKKUMAR, Advocate (SR-9913[F] dated 03/03/2022)

ORDER IN

CRL A(MD) No.107 of 2022

Date : 03/03/2022

srr(CO)

TR(03.03.2022) 3P 8C