



WEB COPY

Crl.A(MD)No.118 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

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

Crl.A(MD)No.118 of 2022

Sivarama Krishnan

...Petitioner/Sole Accused

Vs.

1.The Deputy Superintendent of Police,
Ramnad Sub Division,
Ramnad District.

2.The State represented by its,
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(Crime No.105 of 2022)

...Respondents/Complainants

3.Sanjay

...Respondent/
Defacto Complainant

Prayer: This Criminal Appeal Petition filed under Section 14(A) (2) of SC/ST(Prevention of Atrocities) Amended Act, 2015, to call for the record in Crl.M.P.No.53 of 2022 on the file of the learned Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, dated 18.02.2022 and set aside the same and enlarge the Appellant on bail in Crime No.105 of 2022, on the file of the second respondent police.

For Petitioner : Mr.A.Uthayakumar

For R1 and R2 : Mr.M.Aasha
Government Advocate (Criminal Side)

For R3 : Mr.M.Karrunanidhi

J U D G M E N T

The criminal appeal has been filed to set aside the order passed in Crl.M.P.No.53 of 2022, dated 18.02.2022 and to enlarge the appellant on bail in Crime No.105 of 2022, on the file of the second respondent police.



2.The case of the prosecution is that on 07.02.2022, the third respondent has misbehaved with the relative girl of the petitioner, so that there was a wordy quarrel between them. Then, the petitioner assaulted the third respondent, caused injuries and also used the caste name of the third respondent. The petitioner was in custody from 10.02.2022.

3.The petitioner failed a bail application before the learned Special Court for Trial of Cases, registered under Scheduled Caste and Scheduled Tribes (POA) Act, 1989, Ramanathapuram in Crl.M.P.No.53 of 2022 and the same was dismissed on 18.02.2022.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondents 1 and 2 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, dated 18.02.2022 made in Crl.M.P.No.53 of 2022, on the file of the learned Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram,

6.Accordingly, the Criminal Appeal is allowed and the order, dated 18.02.2022 made in Crl.M.P.No.53 of 2022, on the file of the learned Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, 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 Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, and on further condition that:

[a] the appellant shall appear before the Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram, daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[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]**.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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 learned Special Court for trial of cases registered under SC/ST (POA) Act, 1989, Ramanathapuram.
- 2.The Deputy Superintendent of Police, Ramnad Sub Division, Ramnad District.
- 3.The Inspector of Police, Kenikkarai Police Station, Ramanathapuram District.
4. The Officer Incharge, Sub Jail, Paramakudi, Ramanathapuram District.
- 5.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.A.UTHAYA KUMAR, Advocate (SR-8564[F] dated 25/02/2022)

Cr1.A(MD)No.118 of 2022
24.02.2022

svs (CO)

TR(25.02.2022) 3P 7C

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