



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM:

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

CRL A(MD) . No.234 of 2022

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1.Anand @ Ananthakumar.

2.Kumar @ Krishnakumar

... Appellants/Accused

Vs

1. The Deputy Superintendent Of Police,
Tirunelveli District.

2. The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
(Cr.No. 152 of 2022).

... 1st & 2nd Respondent / Complainant

3.M. Ranjith ... 3rd Respondent / Defacto complainant

PRAYER :-

The Criminal Appeal is filed under Section 14-A(ii) of SC/ST (POA) Act, 1989, to call for the records relating to the order of dismissal of bail application and to set aside the order passed by the learned II Additional Sessions Court, Tirunelveli in Cr.M.P.No.164 of 2022 dated 10.03.2022.

For appellants : Mr.V.M.Jagadeeshpandian,
Advocate.

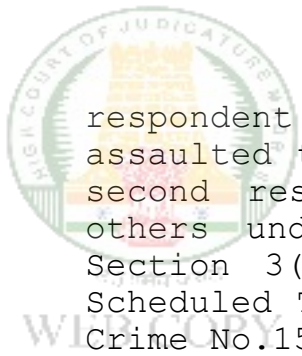
For Respondents : Mrs.M.Aasha
(Nos.1 & 2) Government Advocate (Crl.Side)

J U D G M E N T

The present Criminal Appeal has been filed to set aside the impugned order, in Cr.M.P.No.164 of 2022 dated 10.03.2022, on the file of the learned II Additional Sessions Court, Tirunelveli

2.The case of the prosecution is that on 01.03.2022, the third respondent took his wife to the hospital for check-up. While so, the third respondent went to a tea shop, the accused persons accompanied with other accused and started quarrel with the third respondent.

The accused persons uttered filthy language against the third



respondent by saying his community name. The accused persons assaulted the third respondent with deadly weapons. Therefore, the second respondent registered a case against the appellants and others under Sections 147, 148, 341, 294(b), 323, 324 IPC r/w Section 3(1)(r)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, in Crime No.152 of 2022.

3.The learned counsel for the appellants would submit that the earlier petition for bail was dismissed by the trial Court, that the appellants are innocents and they have been falsely implicated in this case and that the co-accused were already enlarged on bail. He would further submit that they are ready to abide any conditions and they are in judicial custody for more than 18 days. Hence, seeks bail.

4.Heard the learned counsel appearing for the appellants 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.164 of 2022 dated 10.03.2022 passed by the learned II Additional Sessions Court, Tirunelveli.

6.Accordingly, the Criminal Appeal is allowed and the order, Cr.M.P.No.164 of 2022 dated 10.03.2022 passed by the learned II Additional Sessions Court, Tirunelveli, is set aside. The appellants are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 appellants shall appear before the Tallakulam Police Station, Madurai daily at 10.30 a.m., and 5.30 p.m. for a period of two weeks and thereafter the appellants shall appear before the second respondent police station daily at 10.30am, till the disposal of the trial;

[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



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appropriate action against the appellants in accordance with law, as if the conditions have been imposed and the appellantss 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-I)

// 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, Palayamkottai.
- 3.The Deputy Superintendent Of Police,
Tirunelveli District.
- 4.The Inspector of Police,
Palayamkottai Police Station,
Tirunelveli District.
5. The Inspector of Police, Tallakulam Police Station,
Madurai.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

JUDGMENT IN
CRL A(MD) No.234 of 2022
Date : 22.03.2022

KM(CO)

TR(22.03.2022) 3P 7C

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