



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2022

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRL.A(MD).No. 355 of 2022

Kannan @ Suresh Kannan : Appellant/A6

Vs.

1.State through
The Deputy Superintendent of Police,
Organized Crime Unit (OCU)
CBCID, Tirunelveli.
Crime No.2 of 2015.

2.The Inspector of Police,
Srivaigundam Police Station,
Thoothukudi District.

3.R.Marimuthu : Respondent/
De-facto Complainant

(R1 amended as per order of this Court, dated 17.06.2022 in CrI.M.P.
(MD)No.6432 of 2022 in CrI.A(MD)No.355 of 2022)

Prayer : This Criminal Appeal is filed under Section 14(A) (2) of the Schedule Caste and the Schedule Tribes (Prevention of Atrocities) Amendment Act, to set aside the order passed by the learned Sessions Judge, Special Court for trial of Cases under SC/ST (POA) Act, Thoothukudi, in Cr.M.P.No.472 of 2022, dated 29.04.2022 and to enlarge the appellant on bail.

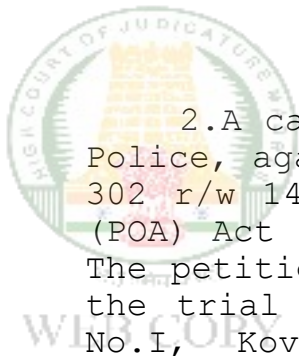
For Appellant : Mr.William Christopher, J.

For R1 and 2 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

For R3 : No Appearance

JUDGMENT

This Criminal Appeal has been filed to set aside the order passed in CrI.M.P.No.472 of 2022, dated 29.04.2022, on the file of the learned Sessions Judge, Special Court for trial of Cases under SC/ST (POA) Act, Thoothukudi.



2.A case in Crime No.2 of 2015 was registered by the respondent Police, against the appellant, under Sections 147, 148, 109, 120(b), 302 r/w 149 IPC and Section 25(1-b) of Arms Act 3 (2)(v) of SC/ST (POA) Act 1989 and the case was taken on file in S.C.No.38 of 2021. The petitioner was released on bail, but he failed to appear before the trial Court on 11.11.2022 and the learned Judicial Magistrate No.I, Kovilpatti issued NBW against the petitioner and the petitioner was remanded on 28.07.2021. The appellant filed a petition for bail in CrI.M.P.No.472 of 2022 and the same was dismissed by the Special Court on 29.04.2022. Challenging the same, the appellant has preferred this Criminal appeal.

3.The learned counsel for the appellant would submit that when the petitioner was in judicial custody in connection with a murder case, on the PT warrant, he was produced before the committal Magistrate and he was remanded to judicial custody so far as the present case is concerned on 28.07.2021 and that the petitioner is in custody till now. He would further submit that the fifth accused Maruthupandi, who is similarly placed accused has been granted bail by this Court in CrI.A(MD).No.20 of 2022, vide judgment dated 04.02.2022.

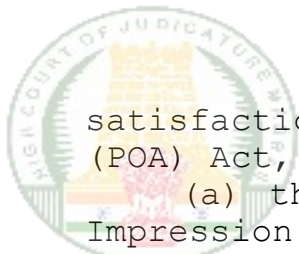
4.The learned Additional Public Prosecutor appearing for the State would submit that the petitioner is involved in 25 previous cases and that they are having objections to release the petitioner on bail.

5.It is not in dispute that the charge sheet has already been laid before the committal Court and the case was committed to the Sessions Court and the case is pending in S.C.No.38 of 2021 on the file of the Special Court for trial of Cases under SC/ST (POA) Act, Thoothukudi.

6.Despite receipt of Court notice and printing of name in the cause list, there is no representation for the third respondent.

7.Considering the above facts and circumstances of the case and also the facts that the appellant is in judicial custody from 28.07.2021, and that the similarly placed accused has already granted bail by this Court in CrI.A(MD)No.20 of 2022, that the charge sheet has been filed and the case is pending for trial in S.C.No.38 of 2021, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 29.04.2022 made in Cr.M.P.No.472 of 2022 on the file of the Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi.

8.Accordingly, the Criminal Appeal is allowed and the order, dated 29.04.2022 made in Cr.M.P.No.472 of 2022 on the file of the 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 Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi, and on further conditions that:

(a) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge, Special Court for trial of cases under SC/ST (POA) Act, Thoothukudi may obtain a copy of their valid identity card to ensure their identity.

(b) the appellant is directed to appear before the trial Court on all working days at 10:30 a.m., until further orders.

(c) the appellant shall not tamper with evidence or witness either during investigation or trial.

(d) the appellant shall co-operate with the investigation.

(e) On breach of any of the aforesaid conditions, the learned Magistrate/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 learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/06/2022

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 Jail Superintendent, Central Prison,
Coimbatore.
- 3.The Deputy Superintendent of Police,
Organized Crime Unit (OCU)
CBCID, Tirunelveli.
- 4.The Inspector of Police,
Srivaigundam Police Station,
Thoothukudi District.
- 5.The Section Officer,
Criminal Section (Records),
Madurai Bench of Madras High Court, Madurai.

CRL.A(MD).No. 355 of 2022
29.06.2022

MGJ(29.06.2022) 3P 7C

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