



Crl.A.No.489 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.04.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

Crl.A.No.489 of 2024

Madanraj

.....Appellant

Vs

1. The Inspector of Police
Poompuhar Police Station,
Poompuhar,
Crime No.72 of 2017.

.... 1st Respondent/Complainant

2. Prasathkumar

.... 2nd Respondent/de facto complainant

PRAYER: Criminal Appeal filed under Section 14 A (2) SC/ST (POA) Amended Act, 2015 to set aside the order of the learned District and Sessions Court, Nagapattinam passed in Cr.MP.NO.714 of 2024 dated 21.03.2024 and to enlarge the appellant on bail pending trial in the case in Cr.No.72 of 2017 on the file of the first respondent which is now pending as Spl.S.C.No.1 of 2017 on the file of learned District and Sessions Court, Nagapattinam and grant other just and necessary relief.



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For Appellant : M/s.V.Mythili
For Respondent : Mrs.G.V.Kasthuri, APP

J U D G M E N T

The Criminal Appeal has been filed against the order of the learned District and Sessions Court, Nagapattinam passed in Cr.MP.NO.714 of 2024 dated 21.03.2024 and to enlarge the appellant on bail pending trial in the case in Cr.No.72 of 2017 on the file of the first respondent which is now pending as Spl.S.C.No.1 of 2017 on the file of learned District and Sessions Court, Nagapattinam.

2. The case of the appellant is that the appellant was already granted bail by this Court in Crl.M.P.No.2425 of 2017 dated 06.09.2017, however, due to breach of conditions and due to his non appearance, he was issued with non-bailable warrant on 28.06.2023 and he was arrested on 17.10.2023. Against which he filed another bail application in Crl.M.P.No.714 of 2024 which was dismissed vide order dated 21.03.2024 on the file of District and Session Court Nagapattinam on the ground that the trial is in progress. Aggrieved over the same, the present appeal has been filed by the appellant seeking bail.



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3. The learned counsel for the appellant submitted that the appellant is an innocent and he was falsely implicated in a case registered for the offence under Sections 302 of IPC r/w. Section 3(2)(V) of Scheduled Caste / Scheduled Tribes (Prevention of Atrocities) Amendment Act 2015 in Cr.No.72 of 2017 and remanded to judicial custody on 17.10.2023. Hence, he prays this Court for grant of bail to the appellant.

4. On the above contention, this Court heard the learned Additional Public Prosecutor appearing for the respondents.

5. Having regard to the fact that there are arguable points involved in the appeal, considering the period of incarceration, this Court is inclined to grant bail to the appellant.

6. Accordingly, the Criminal Appeal is allowed and the appellant is directed to be enlarged on bail on condition that the appellant shall execute 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

District and Sessions Court, Nagapattinam and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity;

(b) The appellant shall appear before the Trial Court every Monday and Friday including the hearing dates till the disposal of S.S.C.No.01 of 2017.

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

(d) the appellant shall not abscond either during investigation or trial;

*(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***



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5560]; and;

*(f)if the accused thereafter absconds, a
fresh FIR can be registered under Section 229-A IPC.*

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RAP

To

1. The Inspector of Police
Poompuhar Police Station,
Poompuhar,
Crime No.72 of 2017
2. The District and Sessions Court, Nagapattinam
3. The Public Prosecutor,
High Court, Madras.
4. The District Prison,
Nagapattinam.

Note to office: Issue order copy on 30.04.2024.



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M.DHANDAPANI,J.

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