



Crl.A.(MD)No.8 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.A.(MD)No.8 of 2025

Uthayamoorthy @ Moorthy

... Appellant

versus

1. The Deputy Superintendent of Police,
Tiruchendur Sub Division,
Thoothukudi District.

2. State of Tamilnadu,
Rep. by the Inspector of Police,
Authoor Police Station,
Thoothukudi District.

3. Suresh

... Respondents

Appeal filed under Section 14A(2) of SC/ST Act, 1989 as amended by Act 1 of 2016, to call for the records relating to the order in Cr.M.P.No. 1297 of 2024 dated 06.12.2024 in S.C.No.25 of 2022 on the file of the Special Court for Trial of cases under SC/ST (POA) Act 1989, Thoothukudi and set aside the same.

For Appellant : Mr.M.Murugesan



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For R1 and R2 : Mr.P.Kottaichamy,
Government Advocate (Crl. side)

JUDGMENT

The appellant/A1 was arrested on 01.06.2022 in connection with the case in Crime No.110 of 2022. He filed a bail petition before the trial Court in Cr.M.P.No.1297 of 2024 and the same was dismissed by the trial Court on 19.12.2024. Challenging the same, the appellant has filed this appeal.

2. The learned counsel appearing for the appellant submits that the accused No.2 was already enlarged on bail by this Court in Crl.A.(MD)No. 90 of 2024 on 05.03.2024 and the accused No.3 was also released on bail by this Court in Crl.A.(MD)No.901 of 2024 dated 29.11.2024. The learned counsel further submits that final report has already been filed and charges have also been framed.

3. The learned Government Advocate (Crl.side) also confirmed that final report has already been filed and the case is now pending in S.C.No.25



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of 2022 before the Special Court for Trial of Cases under SC/ST (POA) Act cases, Thoothukudi.

4. This Court, by its earlier order dated 07.02.2025, directed the Investigating Officer/the Deputy Superintendent of Police, Tiruchendur Sub Divison to file a report as to the antecedent if any as against the petitioner. Purusant to the direction of this Court, the Deputy Superintendent of Police filed a report stating that there is no antecedent as against the petitioner.

5. Considering the period of incarceration and also considering the fact that the co-accused have already been released on bail by this Court in CrI.A.(MD)Nos.90 of 2024 and CrI.A.(MD)No.901 of 2024 as stated supra, this Court is inclined to allow the Criminal Appeal by setting aside the order dated 06.12.2024 made in Cr.M.P.No.1297 of 2024 on the file of the Special Court for trial of Cases under SC/ST (POA) Act 1989, Thoothukudi.

6. Accordingly, the Criminal Appeal is allowed and the order dated 06.12.2024 made in Cr.M.P.No.1297 of 2024 on the file of the Special Court for trial of Cases under SC/ST (POA) Act 1989, Thoothukudi, is hereby set



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aside. The appellant is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty 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 1989, Thoothukudi and on further condition that:

[a] the appellant shall stay Madurai and report before the Inspector of Police, Othakadai Police Station daily at 10.30 a.m. until further orders;

[b] the appellant shall file an undertaking affidavit before the trial Court that he will be available for trial without fail;

[c] The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.

[d] On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the bail.

14.02.2025

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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under SC/ST (POA) Act 1989,
Thoothukudi.
2. The Deputy Superintendent of Police,
Tiruchendur Sub Division,
Thoothukudi District.
3. The Inspector of Police,
Authoor Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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