

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL. A. NOS. 643, 650 & 651 OF 2017

Arunachalam .. Appellant in CA 643/2017/Accused No 6
K.Pugazharasu .. Appellant in CA 650/2017/Accused No 16
Murali .. Appellant in CA 651/2017/Accused No 10

- Vs -

State by The Inspector of Police
Cheyyar Police Station
Tiruvannamalai District. .. Respondent in all the appeals/
Complainant

Criminal Appeals filed under Section 14(A)(2) of SC/ST Act 1989 against the order dated 18.08.2017 passed by the learned District & Sessions Judge, Tiruvannamalai, made in Crl. M.P. Nos., 3456, 3046 and 3045 of 2017 respectively.

For Petitioner : Mr. V.Parthiban in CA Nos.650 &
651/2017
Mr.E.Kannadasan in CA 643/2017

For Respondents: Mr. K.Madhu, GA (Crl. Side)

COMMON ORDER

These criminal appeals have been filed against the order dated 18.08.2017 passed by the learned District & Sessions Judge, Tiruvannamalai, made in Crl. M.P. No.3045 of 2017.

2. On the complaint lodged by one Audikesavan, the respondent police registered a case in Crime No.583/2017 on 24.7.17 for offences under Sections 294 (b), 147, 148, 323, 324, 307, 363 IPC, Sections 3 (1) (r), 3 (1) (t) of the SC/ST (POA) Act and Sections 3 (1) and 3 (1) (c) of the Tamil Nadu Property (Prevention of Damage & Loss) Act, 1992. against Sekar and 19 others, including the appellants herein. It is the case of the defacto complainant that he belongs to Telugu community and on 23.7.17, around 11.00 a.m., Venkatesan, the brother of the defacto complainant and his friends were playing cricket and at that time, one Pandi and 20 others came there and picked up a quarrel and questioned Venkatesan and his friends as to why they were behind a girl of their village. This quarrel escalated and ended in blows. One Rajesh, who was part of the group lead by Pandi, was detained by the group of Venkatesan. On the same

day, around 7.00 p.m., in the evening, Sekar and 19 others, including the appellants herein, came back to the village of Venkatesan for rescuing Rajesh. It is alleged by the defacto complainant that once again a quarrel ensued in which the defacto complainant and his brother, Venkatesan, were abducted by Sivaji, Chandru and Rajesh and were beaten. In the said attack, the defacto complainant and his brother, Venkatesan, sustained injuries and were admitted to the hospital where Venkatesan died on 24.7.17. Hence, the first information report. The appellant Arunachalam was arrested on 25.7.17; the appellant Murali was arrested on 24.7.17 and the appellant Pugazharasu was arrested on 1.8.17. All the other accused involved in the case were arrested on various dates and some of them have surrendered before the Magistrate.

3. Whiles, Arunachalam, Pugazharasu and Murali filed bail applications before the Special Court for SC/ST (POA) Act cases and the same were dismissed and, hence, they have filed the present appeals under Section 14 (A) (2) of the SC/ST (POA) Act.

4. On notice, the investigating officer has filed a counter stating about the facts and circumstances of the case. The individual overt acts against these appellants have been set out in the counter affidavit filed by the police, wherein it is stated that these appellants had accompanied the other villagers for the purpose of rescuing Rajesh and they damaged some vehicles and household articles. They are being mulcted with criminal liability with the aid of Sections 147 and 148 IPC. The main allegations are only against Sivaji, Chandru and Rajesh.

5. Taking into consideration the nature of allegation made against the appellants in the FIR, the period of incarceration and the fact that the investigation has been completed, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the appeals are allowed and the appellants are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Cheyyar, Tiruvannamalai District and on further condition that:

(a) the appellants shall stay at Cuddalore and appear twice daily before the Judicial Magistrate No.I, Cuddalore, at 10.30 a.m. and 5.30 p.m. everyday for a period of four weeks and, thereafter, as and when required, until further orders.

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

(d) the appellants 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 appellants in accordance with law as if the conditions have been imposed and the appellants 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].

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

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

GLN

To

1. The Judicial Magistrate No.I
Cheyyar, Tiruvannamalai District.
2. The Judicial Magistrate No.I
Cuddalore.
3. The District and Sessions Judge
Tiruvannamalai District.
4. The Inspector of Police
Cheyyar Police Station
Tiruvannamalai District.

+1 CC to Mr.E. Kannadasan, Advocate sr 74594.
+1 CC to Mr.V. Parthiban, Advocate sr 74395.
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VGII(CO)
sp(24/10/2017)