



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2017

CORAM:

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THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Cr1.A(MD)No.227 of 2017

1.Arulpandi
2.Muthupandi
3.Pandimurugan : Appellants/Accused 4,3 and rank not known

Vs.

State Rep.by
The Inspector of Police,
Y.Othakadai Police Station,
Madurai District,
Crime No.378 of 2017 : Respondent/Complainant

Prayer: Criminal Appeal filed under Section 14 A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1/2016, praying to call for the records pertaining to the order dated 06.07.2017 made in Cr.M.P.No.1443 of 2017, on the file of the III Additional District and Sessions Judge, (PCR), Madurai and to set aside the same and enlarge the appellants on bail in connection with Crime No.378 of 2017, on the file of the respondent Police by allowing this Criminal Appeal.

For Appellants :Mr.S.Mahendrapathy

For Respondent :Mr.A.Ramar
Additional Public Prosecutor(Cr1. Side)

JUDGEMENT

This Criminal Appeal has been filed praying to set aside the order, dated 06.07.2017, passed in Cr.M.P.No.1443 of 2017, by the learned III Additional District and Sessions Judge, (PCR), Madurai and enlarge the appellants on bail, in connection with Crime No.378 of 2017, on the file of the respondent Police.

2. The Appellants, who were arrested and remanded to custody on 27.06.2017, for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 427 and 307 of IPC., and Section 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(Va), 3(2)(V) of the



Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, in Crime No.378 of 2017, on the file of the respondent police, seek appeal bail.

3. The learned counsel appearing for the appellants states that the appellants have been falsely implicated in this case and the injured have been discharged from the hospital and the appellants are in custody from 27.06.2017 onwards.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally 12 accused in this case and the appellants herein are arrayed as A4, A3 and A7 respectively. The specific overt act in respect of the appellants herein is that the first appellant said to have attacked with iron rod on the head of the defacto complainant and the appellants 2 and 3 said to have attacked with wooden log upon the defacto complainant's son. Both the injured were discharged from the hospital and the investigation is still pending. He would further submit that A5 and A6 were granted bail by this Court, as per the Judgment in CrI.A.(MD)No.225 of 2017, dated 11.07.2017.

5. Considering the above facts and circumstances of the case and also considering the fact that the injured have been discharged from the hospital, this Court is inclined to allow the Criminal Appeal by setting aside the order, dated 06.07.2017, passed in Cr.M.P.No.1443 of 2017, by the learned III Additional District and Sessions Judge, (PCR), Madurai.

6. Accordingly, the Criminal Appeal is allowed and the order, dated 06.07.2017, passed in Cr.M.P.No.1443 of 2017, by the learned III Additional District and Sessions Judge, (PCR), Madurai is set aside. The appellants are ordered to be released on bail on their each executing 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 Judicial Magistrate, Melur, Madurai, and on further condition that:

[a] the appellants shall report before the respondent Police, daily at 10.30 a.m., until further orders.

[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 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].

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Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

- 1.The III Additional District and Sessions Judge (PCR),
Madurai.
- 2.The Judicial Magistrate, Melur, Madurai District
- 3.Do through the Chief Judicial Magistrate,
Madurai District
- 4.The Superintendent, Central Prison, Madurai
- 5.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.S.Mahendrapathy, Advocate, SR.No.26480

MPK
RL/8C/3P/KKR/SAR2/14/7/2017

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