



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Crl.A(MD)No.258 of 2017

Panchavarnam : Appellant / Accused
Vs.

1.The Deputy Superintendent of Police,
Muthukulathur Division,
Ramanathapuram District.

2.State Rep.by its
The Inspector of Police,
Keelachelvanoor Police Station,
Ramanathapuram District
(Crime No.33 of 2017)

: Respondents / Complainats

3.Sathiyamoorthy : Respondent / Defacto 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 enlarge the appellant on bail in Crime No.33 of 2017 on the file of the respondent Police.

For Appellants :Mr.A.Uthayakumar

For Respondents :Mr.A.Ramar
(R1 and R2) Additional Public Prosecutor(Crl. Side)

JUDGEMENT

This Criminal Appeal has been filed praying to enlarge the appellant on bail in Crime No.33 of 2017, on the file of the respondent Police.

2. The Appellant, who was arrested and remanded to judicial custody on 05.07.2017, for the offences punishable under Sections 294(b) and 324 of IPC., r/w Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, in Crime No.33 of 2017, on the file of the respondent police, seek appeal bail.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel appearing for the appellant states that actually the appellant was attacked by the relatives of the



defacto complainant for which a case was registered against the defacto complainant in Crime No.34 of 2017 and bail was granted by the trial Court in the counter case, but bail was rejected to the petitioner herein by the trial Court. He also submitted that the appellant / accused did not commit any offence, as alleged by the prosecution and she is an innocent and she has been falsely implicated in this case.

4. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the defacto complainant in this case belongs to Scheduled Caste Community and on the date of occurrence, there was a quarrel arose between the appellant and the defacto complainant during the death procession of the defacto complainant's relative, since the funeral ceremony passed through the land of the appellant, following which, the appellant herein said to have attacked the defacto complainant with hands on his nose and also abused him with filthy language. He also submitted that there is a case in counter in Crime No.34 of 2017, on the basis of the complaint given by the appellant herein against the defacto complainant and others and the investigation is still pending.

5. Considering the above facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital and there is a counter case in Crime No.34 of 2017, on the basis of the complaint given by the appellant against the defacto complainant in this case, this Court is inclined to allow the Criminal Appeal.

6. Accordingly, the Criminal Appeal is allowed and the appellant is ordered to be released on bail on her 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, Muthukulathur, Ramnad District, and on further condition that:

[a] the appellant 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]**.

Sd/-

Assistant Registrar

/True Copy/



To

1. The Principal District and Sessions Judge,
Ramanathapuram.
 2. The Judicial Magistrate,
Muthukulathur,
Ramanathapuram District.
 3. The Chief Judicial Magistrate,
Ramanathapuram.
 4. The Deputy Superintendent of Police,
Muthukulathur Division,
Ramanathapuram District.
 5. The Officer-in-Charge,
Special Prison for Women,
Paramakudi,
Ramanathapuram District.
 6. The Inspector of Police,
Keelachelvanoor Police Station,
Ramanathapuram District
 7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1cc to Mr.A.UTHAYAKUMAR Advocate in SR. No.26957

MPK

JS/SKN.RSK/SAR.1/21.07.20173P-9C

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