



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

Crl.A(MD)No.365 of 2017

1.Balamurugan
2.Lingam

: Appellants

Vs.

1.State Rep.by
Inspector of Police,
Kamuthi Police Station,
Kamuthi, Ramanathapuram District.
in Crime No.310 of 2017

2.Mariyappan

: Respondents

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 set aside the order of the Trial Court in Crl.M.P.No.2094 of 2017, dated 01.09.2017 on the file of the Principal District and Sessions Judge (PCR Court), Ramanathapuram and further to grant bail for the above said petitioners/ Accused No.1 and 2 related to Crime No.310 of 2017 on the file of the respondent police by allowing this Criminal Appeal.

For Appellant :Mr.R.Babu Jaganath

For Respondent :Mr.A.Ramar

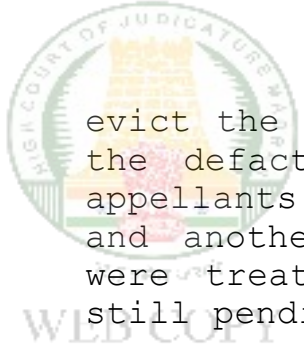
Additional Public Prosecutor(Crl. Side)

JUDGEMENT

This Criminal Appeal has been filed praying to set aside the order, dated 01.04.2017, passed in Cr.M.P.No.2094 of 2017, by the Principal District and Sessions Judge (PCR Court), Ramanathapuram and enlarge the appellants on bail, in connection with Crime No. 310 of 2017, on the file of the respondent Police.

2.The appellants, who were arrested and remanded to judicial custody on 26.08.2017, for the offences punishable under Sections 341, 323 IPC and 3(1)(x) SC/ST Act, in Crime No.310 of 2017, on the file of the respondent police, seek bail.

<https://hcservices.ecourts.gov.in/HCServices/> The case of the prosecution is that the defacto complainant along with his friend consumed liquor at Devar Thiyanamandabam and the appellants herein questioned them to



evict the defacto complaint and there was a wordy quarrel between the defacto complainant and the accused herein, in which, the appellants are said to have pushed down the defacto complainant and another one, namely, Kottai Eshwaran caused injuries. They were treated as out patient in the hospital. Investigation is still pending.

4. The learned counsel appearing for the appellants state that there is a case in counter in Crime No.311 of 2017 against the defacto complainant and the same is pending before the respondent police. He further states that the appellants are no way connected with the above case. They are innocent and they have not committed any offence as alleged in the complaint and the respondent police falsely implicated them in the above case.

5. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that there are totally two accused in this case. The appellants herein were arrayed as A1 and A2 in this case. At the time of occurrence the defacto complainant and one Kottai Eshwaran consumed liquor at Devar Thiyanamandabam, which was objected by the appellants/accused herein and there was a wordy quarrel between them. Then the defacto complainant left the place, while going, the defacto complainant called their villagers, during that time, the accused/appellants pushed down the defacto complainant and another one witness, namely, Kottai Eshwaran. Both of them were sustained injury. There is a case in counter in Crime No.311 of 2017 given by the appellants against the defacto complainant. The appellants were arrested and remanded on 26.08.2017 and still they are in judicial custody.

6. Considering the above facts and circumstances of the case and also considering the fact that, the injured were treated as out patient in the hospital and there is a case in counter given by the first appellant against the defacto complainant and the same is pending before the respondent police, this Court is inclined to grant bail to the appellants subject to certain conditions.

7. Accordingly, the appellants are ordered to be released on bail on 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 Principal District and Sessions Judge (PCR Court), Ramanathapuram, and on further condition that:

[a] the appellants shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required.

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

[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(RTI)

/True Copy/

Sub Assistant Registrar.

To

- 1 The Principal District and Sessions Judge(PCR),
Ramanathapuram.
 - 2 The Inspector of Police, Kamuthi Police Station,
Kamuthi, Ramanathapuram District.
 - 3 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1CC to Mr.R.Babu Jaganath, Advocate, SR.No. 79529

Crl.A.(MD)No.365 of 2017
18.09.2017

msa

JM/SKN RSK/SAR 2/20.09.2017/3P/5C