



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Crl.A(MD)Nos.395 and 397 of 2017

WEB COPY

1.Muthupandi

2.Vinoth @ Vinothkumar

: Petitioners/Accused Nos.2 and  
3 in Crl.A.No.395 of 2017

3.Balakrishnan

: Petitioner/Accused No.5  
in Crl.A.No.397 of 2017

Vs.

1.The State represented by  
The Inspector of Police,  
Parthibanoor Police Station,  
Ramanathapuram District.  
(Crime No.269 of 2017)

:1<sup>st</sup> Respondent/Complainant  
in both the petitions

2.Madurai Veeran

:2nd Respondent/Defacto  
Complaint in Crl.A.No.395 of 2017

COMMON PRAYER: Criminal Appeals are filed under Section 14A(2) of SC / ST (POA) Act 1989 as amended by Act 1 of 2016, to call for the records pertaining to the order 22.09.2017 made in Cr.M.P.No.2267 of 2017 in Crl.M.P.No.2325 of 2017 and Cr.M.P.No.2268 of 2017 on the file of the Principal District and Sessions Court, Ramanathapuram and set aside the same and to enlarge the appellants on bail in connection with Crime No.269 of 2017 on the file of the respondent police.

For appellants

in Crl.A.No.395/2017

: Mr.D.Senthil

For Appellant

in Crl.A.No.397/2017

: Mr.T.Lenin Kumar

For Respondents

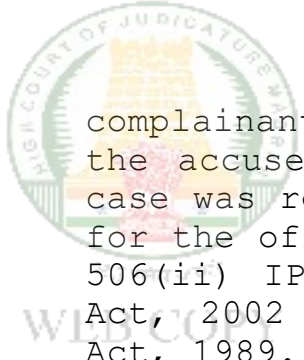
: Mr.C.Ramesh

Additional Public Prosecutor.

#### COMMON JUDGMENT

The appellants filed these appeals to enlarge them in connection with the case in Crime No.269 of 2017 on the file of the respondent police.

2.The case of the prosecution is that the de-facto complainant viz., Madurai Veeran has given a complaint before the respondent police alleging that the relatives of the de-facto complainant namely, Savithri and Suganya Bharathi, went to the bazaar and at that time, A1 abusing and mocking the de-facto



complainant and the same was questioned by him and at that time, the accused were attacked the de-facto complainant. Therefore, a case was registered against the appellants in Crime No.269 of 2017 for the offence under Sections 147, 148, 294(b), 323, 324, 355 and 506(ii) IPC and Section 4 of Prohibition of Harassment of Women Act, 2002 and Section 3(1)(x) of SC/ST Prevention of Atrocities Act, 1989.

3.The learned counsel appearing for the appellants submitted that the appellants were arrested and remanded to judicial custody from 18.09.2017 and thereafter, the appellants were moved bail application before the learned Principal District and Sessions Court, Ramanathapuram and the same was dismissed on 22.09.2017 on the ground that there are totally 8 accused in this case and the petitioners are arrayed as A2, A3 and A5 and the investigation is at the initial stage and therefore, the learned Principal District and Sessions Judge, Ramanathapuram dismissed the appellants' bail application. Challenging the said order, the appellants filed the present application.

4.The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the appellants are arrayed as A2, A3 and A5 in this case and he was arrested and remanded to judicial custody from 18.09.2017 and the investigation is still pending. He further submitted that the injured had been discharged from the hospital.

5. Considering the above facts and circumstances of the case and also considering the period of incarceration of the appellants and the injured had been discharged from the hospital, this Court is inclined to allow the appeals and grant bail to the appellants.

6. Accordingly the Criminal appeals are allowed and the appellants are ordered to be enlarged on bail subject to the following conditions:-

(i) The appellants shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Principal District and Sessions Judge, Ramanathapuram.

(i) the appellants shall appear before the respondent Police daily twice at 10.30 a.m. and 05.30 p.m., until further orders.

Sd/-

Vacation Officer



To

1.The Principal District and  
Sessions Court,  
Ramanathapuram.

2.The Inspector of Police,  
Parthibanoor Police Station,  
Ramanathapuram District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

4.The Superintendent of Prison,  
District Jail,  
Ramanathapuram.

+1cc to M/S.T.Lenin Kumar, Advocate SR.No. 81305

+1cc to M/S.D.Senthil, Advocate SR.No. 81392

Order made in  
Cr1.A(MD)Nos.395 and 397 of 2017  
28.09.2017

ns

JM/SKN RSK/SAR 1/28.09.2017/3P/7C