

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 31.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED**Crl.A.(MD)No.414 of 2017**

Mariyappan

... Appellant/Accused No.1

Vs.

1.The Inspector of Police,
Natchiyar Kovil Police Station,
Thanjavur District.
(Crime No.226/2017)

... 1st Respondent/Complainant

2.Meena

... 2nd Respondent/De-facto Complainant

PRAYER: The Appeal is filed under Section 14 A(2) of SC and ST (Prevention of Atrocities) Act, 1989, to set aside the order dated 06.10.2017 passed in Crl.M.P.No.2121 of 2017 by the I Additional Sessions Judge (PCR), Thanjavur Cases under SC / ST (POA) Act, Thanjavur and to grant bail to the appellant / A1 relating to Crime No.226 of 2017 on the file of the 1st respondent Police.

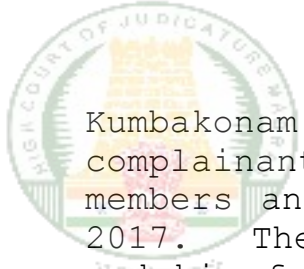
For Appellant : Mr.B.Arun
For Respondent : Mr.T.Mohan, APP

JUDGMENT

This Criminal Appeal is filed to set aside the order dated 06.10.2017 passed in Crl.M.P.No.2121 of 2017 by the I Additional Sessions Judge (PCR), Thanjavur Cases under SC / ST (POA) Act, Thanjavur and to grant bail to the appellant herein.

2.The case of the prosecution is that due to some civil dispute between the de facto complainant and the accused persons, the appellant along with other accused attacked the de facto complainant with stick, abused with caste name, damaged the household articles worth about Rs.50,000/-, demolished the entire house and also looted the valuable things and money.

3.The learned counsel for the appellant would submit that the appellant's family and the de facto complainant's family are having property dispute and due to the same, a civil suit in O.S.No.191 of 2012 before the First Additional District Munsif,



Kumbakonam is pending. He would further submit that the de facto complainant's family members attacked the appellant's family members and hence, a case was also registered in Crime No.227 of 2017. The 2nd respondent's brother also attacked the appellant and his family members and hence, a case in Crime No.228 of 2017 was also registered to that effect and due to the said motive, the present complaint has been lodged. He would also submit that the alleged occurrence took place on 08.09.2017 and the case is registered only on 10.09.2017. However, the learned counsel for the appellant voluntarily agrees to deposit a sum of Rs.10,000/- in Crime No.226 of 2017 towards the alleged damaged before the First Additional District Munsif, Kumbakonam without prejudice to his contention in this case.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 3 accused and the appellant is arrayed as A1 in this case. He would further submit that A2 and A3 are still absconding and investigation is still pending. He would also submit that injured person was discharged from the hospital and the looted articles were not recovered so far.

5.Considering the facts and circumstances of the case and also considering the fact that the learned counsel for the appellant voluntarily agrees to deposit a sum of Rs.10,000/- to the credit of Crime No.226 of 2017 before the First Additional District Munsif, Kumbakonam, without prejudice to his contention and also the period of incarceration of the appellant, this Court is inclined to grant bail. Accordingly, the Criminal Appeal is allowed and the appellant is ordered to be enlarged on bail subject to the following conditions:-

[a] The appellant shall execute 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 First Additional District Munsif, Kumbakonam.

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

[c] The appellant is directed to deposit a sum of Rs.10,000/- to the credit of Crime No.226 of 2017 before the First Additional District Munsif, Kumbakonam without prejudice to his contention.

[d] the appellant shall not tamper with evidence or witness either during investigation or trial.

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

[e] the appellant shall not abscond either during investigation or trial.



[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law, as if the conditions have been imposed and the appellant 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(Crl Side)

/True Copy/

Sub Assistant Registrar

To

- 1.The First Additional District Munsif,
Kumbakonam District.
- 2.The First Additional Sessions Judge,
(PCR) Thanjavur (Cases under SC/ST (POA) Act),
Thanjavur.
- 3.The Superintendent of Police,
Sub-Jail, Kumbakonam.
- 4.The Inspector of Police,
Natchiyar Koil Police Station,
Thanjavur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.B.ARUN, Advocate SR.No.84539.

Crl.A. (MD)No.414 of 2017
31.10.2017

nbj

SDS/RSK/SAR 2/01.11.2017/3P/7C