



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

CrI.A.(MD)No.422 of 2017

WEB COPY

Harris

... Appellant/Accused No.1

Vs.

1.The State Rep.by

The Deputy Superintendent of Police,
Periyakulam Sub Division,
Theni Distirict.

2.The Inspector of Police,

Periyakulam Police Station,
Theni District.

(Crime No.316 of 2017)

... Respondent/Complainants

PRAYER: The Petition filed under Section 14-A(2) of SC / Street (Prevention of Atrocities) Act, 1989 as amended by Act 1 of 2016 to call for the records pertaining to the order dated 11.10.2017 made in Cr.M.P.No.3342 of 2017 on the file of the Principal Sessions Judge, Theni and to set aside the same and enlarge the appellant on bail in connection with the Crime No.316 of 2017 on the file of the respondent Police by allowing this Criminal Appeal.

For Appellant

: Mr.P.Senguttuarasan

For Respondent

: Mr.T.Mohan, APP

JUDGMENT

The appellant, who was arrested on 10.10.2017 for the offence punishable under Sections 147, 148, 294(b), 323, 324 of IPC and Section 3 (1) (r), 3 (1) (s), 3 (2) (Va) of SC/ST (POA) Act, 2015 in Crime No.316 of 2017 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that all the accused are said to have used the caste name of the de facto complainant in the Hotel, in which the de facto complainant was taking food and the accused are said to have attacked with brick stones on the head of the de facto complainant and one another and caused injuries.

3.The learned Additional Public Prosecutor appearing for the respondents Police on instruction would submit that totally there are 6 accused in this case and the appellant herein is arrayed as A1. He further submitted that the alleged occurrence took place on 28.07.2017 and the appellant was arrested on 10.10.2017 and the injured were discharged from the hospital on 15.08.2017. He also submitted that A3, A4 & A5 were arrested and



remanded to the custody and other accused are still absconding. He further submitted that the bail petition moved by the petitioner in CrI.M.P.No.3342 of 2017 before the Principal Sessions Judge, Theni, was dismissed. Against that order of dismissal, the appellant prefer the present appeal, seeking bail. He also submitted that the appellant has no similar type of previous case and the investigation is still pending.

4.The learned counsel for the appellant submitted that the appellant is falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He further submitted that there is no such occurrence took place.

5.Considering the facts and circumstances of the case and also considering the fact that the injured were discharged from the hospital and there is no specific overt act attributed against 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 Judicial Magistrate, Periyakulam, Theni District.

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

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

[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(CS-III)

/True Copy/

Sub Assistant Registrar



To

1. THE JUDICIAL MAGISTRATE,
PERIYAKULAM, THENI DISTRICT.

2. -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE DEPUTY SUPERINTENDENT OF POLICE,
PERIYAKULAM SUB DIVISION,
THENI DISTRICT.

4. THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT.

5. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:
THE PRINCIPAL SESSIONS JUDGE,
THENI.

+1cc to M/S.N.Ranjith, Advocate SR.No. 84135

Cr1.A.(MD)No.422 of 2017
30.10.2017

gns
JM/SV MMS/SAR 3/30.10.2017/3P/9C