



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Crl.A.(MD)No.471 of 2017

Dhanith ... Appellant/Petitioner

Vs.

1.State rep by
The Deputy Superintendent of Police,
Karuppayoorani Police Station,
Madurai District.
(Crime No.306 of 2017)

... Respondent/Respondent

2.D.Karupasamy ... Respondent/De-facto Complainant

PRAYER: The Petition filed under Section 14-A(2) of SC / ST (POA) Act 1989 as amended by Act 1/2016, praying to set aside the order made in Crl.M.P(MD)No.2121 of 2017 dated 23.10.2017 on the file of the III Additional District Judge(PCR), Madurai and thereby release the appellant on bail in Spl.S.C.No.77 of 2017 on the file of the III Additional District Judge(PCR), Madurai.

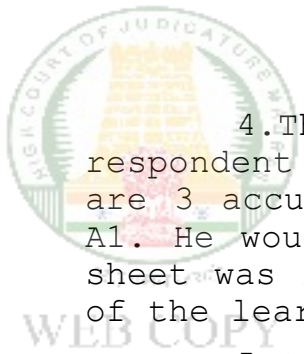
For Appellant : Mr.G.Ganeshkumar
For R1 : Mr.C.Mayil Vahana Rajendren
Additional Public Prosecutor

JUDGMENT

The appellant, who was arrested on 06.10.2017 for the offence punishable under Sections 341, 294(b), 324, 307 IPC and 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST (POA) Amendment Act, in Crime No.306 of 2017 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the appellant is said to have attacked with aruval and caused injuries on the left hand wrist of the de-facto complainant in this case. Hence, the appellant was arrested on 06.10.2017 and now he is in judicial custody.

3.The learned counsel for the appellant submitted that the appellant has not committed any offence whatsoever as alleged by the prosecution and due to enmity, some unknown persons assaulted the de-facto complainant and due to vengeance the present complaint was lodged against the appellant herein.



4.The learned Additional Public Prosecutor appearing for the respondent Police, on instruction, would submit that totally there are 3 accused in this case and the appellant herein is arrayed as A1. He would further submit that injured was discharged and charge sheet was laid and is pending as Spl.S.C.No.77 of 2017 on the file of the learned III Additional District Judge(PCR), Madurai.

5.Considering the facts and circumstances of the case and also considering the fact that injured was discharged and the investigation is completed and chargesheet was laid and is pending as Spl.C.C.No.77 of 2017 and also the period of incarceration of the appellant in jail from 06.10.2017 onwards, 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 III Additional District Judge(PCR), Madurai.

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

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

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

[e] 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(ADII)

/True Copy/

Sub-Assistant Registrar

To

1.The III Additional District Judge(PCR), Madurai.

2.The Deputy Superintendent of Police,

Karuppayoorani Police Station, Madurai District.

3.The Additional Public Prosecutor,

Madurai Bench of Madras High Court, Madurai

4.The Superintendent, Central Prison, Madurai

+One cc to M/s.G.Ganeshkumar, Advocate, SR.No.88770

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

RL/6C/2P/SKN/RSK/SAR3/23/11/2017

Cr1.A.(MD)No.471 of 2017

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