



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

CrI.A.(MD)No.497 of 2017

WEB COPY

1.Chandramani

2.Visuvasam

... Appellants/Petitioners/Accused 1 & 2

Vs.

1.State through the

The Deputy Superintendent of Police,
Bodinayakanur Sub Division,
Bodi Taluk Police Station,
Theni District,
In Crime No.835 of 2017.

... 1st Respondent/
Complainant/Complainant

2.Velusamy

... 2nd Respondent/
Defacto Complainant/Defacto Complainant

PRAYER: The Petition filed under Section 14-A(2) of SC / ST Act, to set aside the judgment made in Cr.M.P.No.4029 of 2017 on the file of the Principal Sessions Judge, Theni in Crime No.835 of 2017 on the file of the Inspector of Police, Bodinayakanur Taluk Police Station, Theni District, dated 08.12.2017, and set aside the order and allow this appeal consequently enlarge the appellants on bail.

For Appellants : Mr.S.Gokulraj

For Respondent : Mr.C.Mayilvahana Rajendren, APP

JUDGMENT

The appellants, who were arrested on 05.12.2017 for the offence punishable under Sections 294(b), 324, 506 (ii) of IPC and Sections 3(1)(r)(s), 3(2)(va) of SC/ST (POA) Amended Act 2015 in Crime No.835 of 2017 on the file of the respondent Police, seek bail.

2.The case of the prosecution is that due to a civil dispute between the de facto complainant and the accused, the appellants have attacked the de facto complainant with wooden log and caused injuries.

3.The learned Additional Public Prosecutor appearing for the respondents Police on instruction would submit that appellants herein are arrayed as A1 & A2 and they were arrested on 05.12.2017 and now they are in judicial custody. He further submitted that injured person was discharged from the hospital and now he is taking treatment as out-patient and the investigation is still pending.



4.The learned counsel for the appellants submitted that there was a dispute regarding sharing water in a common well and the second respondent herein lodged a complaint before the Anti Land Grabbing Wing and the same was closed as civil dispute. He further submitted that the de facto complainant also attacked the appellants and both of them have given a complaint before the respondent Police. But the complaint given by the appellants is not registered by the respondent Police.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was treated as out-patient and the period of incarceration of the appellants in prison, this Court is inclined to grant bail. Accordingly, the Criminal appeal is allowed and the appellants are ordered to be enlarged on bail subject to the following conditions:-

[a] The appellants 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 Principal Sessions Judge (PCR), Theni.

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

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

[e] the appellants 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 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/



1 The Deputy Superintendent of Police,
Bodinayakanur Sub Division,
Bodi Taluk Police Station,
Theni District.

2 The Principal Sessions Judge, (PCR),
Theni.

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

+1cc to M/S.S.Gokulraj, Advocate SR.No. 92598

Cr1.A. (MD) No.497 of 2017
13.12.2017

GNS
JM/SV MMS/SAR 2/13.12.2017/3P/5C