



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

CrI.A.(MD)No.506 of 2017

WEB COPY

Thavamani

... Appellant/Petitioner/Single Accused

Vs.

The State Rep.by
Deputy Superintendent of Police,
Uthamapalayam Sup Division,
Cumbum North Police Station,
Theni District.
(Ref.Crime No.797of 2017)

... Respondent/Complainant

PRAYER: The Petition filed under Section 14-A(2) of SC / ST Act, (POA) Amendment Act,2015 to set aside the order passed in Cr.M.P.No.4096 of 2017 dated 13.12.2017 by the Principal Sessions Judge cum PCR Court, Theni and pleaded to enlarge the petitioner on bail in connection with the case in Crime No.797 of 2017 pending investigation on the file of the respondent Police herein.

For Appellant : Mr.P.Samuel Gunasingh

For Respondent: Mr.C.Mayilvahana Rajendren, APP

JUDGMENT

The appellant, who was arrested on 04.12.2017 for the offence punishable under Sections 294(b), 324, 323 and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and Sections 3(1)(r), 3(1)(s) & 3(2)(va) of SC/ST (POA) Amendment Act 2015 in Crime No.797 of 2017 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the appellant attacked the injured with scissors and caused injuries on his left hand palm.

3.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that the appellant is the sole accused in this case and she was arrested on 04.12.2017 and now she is in judicial custody. He also submitted that injured in this case was treated as out-patient and investigation is still pending.

3.The learned counsel for the appellant submitted that the appellant has been falsely implicated in this case and she did not commit any offence as alleged by the prosecution and the complaint



has been given with an ulterior motive. He also submitted that the Court below has not considered the fact that the injured in this case was treated as outpatient and he was discharged from the hospital.

4. Considering the facts and circumstances of the case and also considering the fact that the injured in this case was treated as out-patient and also discharged from the hospital, 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 Principal Sessions Judge cum PCR Court, Theni.

[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.

[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/-

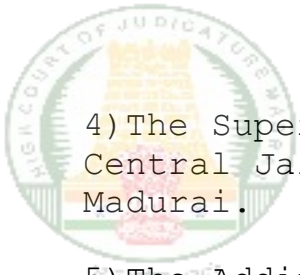
Assistant Registrar(C.O)

/True copy/

Sub Assistant Registrar

To

- 1) The Principal Sessions Judge cum PCR Court, Theni.
- 2) -Do thro-District Munsif cum Judicial Magistrate, Theni.
- 3) Deputy Superintendent of Police,
Uthamapalayam Sup Division,
Cumbum North Police Station,
Theni District.



4) The Superintendent,
Central Jail for Women,
Madurai.

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

+1cc to Mr.P.SAMUELGUNASINGH, Advocate, SR. 93662

Cr1.A. (MD) No.506 of 2017
19.12.2017

GNS
KK/SV MMS/SAR 4/20.12.2017/ 3P- 7C/