



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M. BASHEER AHAMED

Crl.A(MD)No.352 of 2017

WEB COPY

Mariappan : Appellant/Accused
Vs.
State Rep.by
The Sub-Inspector of Police,
Pathamadai Police Station,
Pathamadai, Tirunelveli District,
Crime No.105 of 2017 : Respondent/Complainant

Prayer: Criminal Appeal filed under Section 14 A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 as amended by Act 1/2016, praying to call for the records pertaining to the order dated 23.08.2017 made in Cr.M.P.No.2163 of 2017, on the file of the II Additional District and Sessions Judge, Tirunelveli and to set aside the same and enlarge the appellant on bail in connection with Crime No.105 of 2017, on the file of the respondent Police by allowing this Criminal Appeal.

For Appellant : Mr.S.S.Thesigan

For Respondent : Mr.A.Ramar
Additional Public Prosecutor(Crl. Side)

JUDGEMENT

This Criminal Appeal has been filed praying to set aside the order, dated 23.08.2017, passed in Cr.M.P.No.2163 of 2017, by the learned II Additional District and Sessions Judge, Tirunelveli and enlarge the appellant on bail, in connection with Crime No. 105 of 2017, on the file of the respondent Police.

2.The appellant, who was arrested and remanded to judicial custody on 26.07.2017, for the offences punishable under Sections 294(b), 324, 506(ii) of IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST (POA) Act 1989, in Crime No.105 of 2017, on the file of the respondent police, seeks bail.

3. The case of the prosecution is that the defacto complainant had love affairs with the daughter of the appellant/accused. On knowing the same, out of anger the appellant abused the defacto complainant with filthy language by using his caste name. It was also alleged that the appellant threatened to the extent of attacking the defacto complainant with stick and caused injuries and warned him of dire



consequences.

4. The learned counsel appearing for the appellant states that the appellant has been falsely implicated in this case and the injured was discharged from the hospital in two days and the appellant is in Judicial custody for more than one month.

5. The learned Additional Public Prosecutor appearing for the respondent, on instructions, would submit that the appellant is the sole accused in this case and the defacto complainant is having love affairs with the daughter of the appellant herein and the appellant is said to have attacked with Aruval but the defacto complainant prevented the said attack with hands and caused injuries in his four fingers of the hands. He would further submit that the appellant has pushed down the defacto complainant on the thane push and the injured was discharged from the hospital and the investigation is still pending. He would further submit that the defacto complainant belongs to the Schedule Caste and the appellant is a Hindu Caste.

6. Considering the above facts and circumstances of the case and also considering the fact that, the injured was discharged from the hospital and the alleged overtact of the appellant during the occurrence and the incarceration of the appellant in jail, this Court is inclined to grant bail to the appellant subject to certain conditions.

7. Accordingly, the appellant is ordered to be released on bail on his executing 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 II Additional District & Sessions Judge (PCR), Tirunelveli District, and on further condition that:

[a] the appellant shall report before the learned II Additional District & Sessions Judge (PCR), Tirunelveli District, daily at 10.30 a.m., until further orders.

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

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

[d] 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(Writs)

Sub Assistant Registrar



To

1.The II Additional District & Sessions Judge (PCR),
Tirunelveli.

2.The Sub Inspector of Police,
Pathamadai Police Station,
Pathamadai.Tirunelveli District.

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

+1cc to Mr.S.S.THESIGAN,Advocate,SR.30069

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MSA/VSA

KK/SKN RSK/SAR 2/07.09.2017/ 3P- 5C