

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.KALAIYARASAN

Criminal Appeal No.258 of 2018

1.Kumar
2.Muthukumar
3.Satheesh
4.Mohanraj

Appellants

Vs

The State rep. by its
The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

Respondent

Criminal Appeal filed under Section 14[A][2] of the SC/ST Act, 1989 praying to set aside the order passed by the learned Principal Sessions Judge, Salem District in CrI.M.P.No.1195 of 2018 dated 11.04.2018 and enlarge the appellants on bail in Cr.No.122 of 2018 pending on the file of the Inspector of Police, Magudanchavadi Police Station, Salem District.

For Appellants : Mr.T.Ganesan

For Respondent : Mr.G.Raman
Govt. Advocate [Crl. Side]

J U D G M E N T

This Criminal Appeal is directed against the order of the Principal Sessions Judge, Salem, dated 11.04.2018 in CrI.M.P.No.1195 of 2018, whereby, the learned Sessions Judge, dismissed the bail application filed by the appellants herein.

2.The case of the prosecution is that on 05.04.2018, during night hours, at the time of Temple festival, the appellants entered into the place, where female members of the entertaining group were in the function and disturbed them. When the appellants were questioned by the de facto complainant and others, they abused, degrading the caste of the de facto complainant and attacked them with wooden log at 2'o clock and damaged the property worth about Rs.30,000/-. A case was registered by the respondent police for the offences under Sections 294[b], 323, 324, 506[ii] of IPC r/w Section 3[1] of

TNPPDL Act r/w Section 3[1][r], 3[1][s] and 3[2][v-a] of SC/ST [POA] Act.

3.Learned counsel for the appellants submit that appellants are innocent of the offences, that they have been in custody from 08.04.2018, that they are having permanent residence and therefore, they may be released on bail.

4.Learned Additional Public Prosecutor opposes this application contending that the appellants had not only disturbed the festival, but also attacked the de facto complainant with wooden log and damaged the properties.

5.Considering the age of the appellants, the period of custody and the fact that the appellants are having permanent residence and also the nature of offence, this Court is inclined to release the appellants on bail and the order of the Sessions Court, Salem is set aside.

6.In the result, this Criminal Appeal is allowed and the petitioners are enlarged on bail. Accordingly, the appellants are ordered to be released on bail on executing separate bond for Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum, to the satisfaction of the Judicial Magistrate No.II, Sankari and on further condition that the appellants shall report before the respondent police on every Monday at 10.00 a.m., for a period of two months.

Sd/-

Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

gya

To

1.The Principal Sessions Court,
Salem District.

2.The Judicial Magistrate No.II,
Sankari

3.The Superintendent of Central Prison,
Salem.

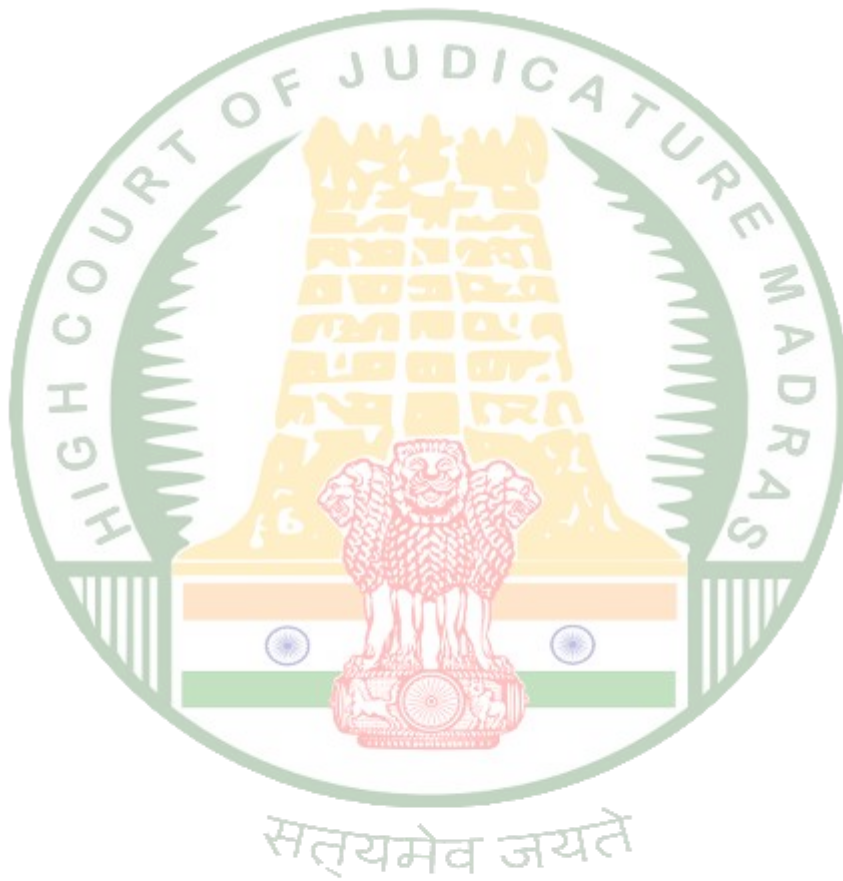
4.The Inspector of Police,
Magudanchavadi Police Station,
Salem District.

5.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.T.Ganesan, Advocate sr.no.29073

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