



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**

Crl.A. (MD) No.102 of 2018

Shanmugam : Appellant/Petitioner

Vs.

1.The Deputy Superintendent of Police,
Pudukkottai Sub Division,
Pudukkottai.

2.State, rep. by Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai.

(Crime No.658 of 2017). : Respondents 1 & 2/Complainants

3.Kaliyammal : 3rd Respondent/Defacto Complainant

PRAYER: Criminal Appeal is filed under Section 14A(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989, as amended by Act 1 of 2016, praying to call for the records pertaining to the order dated 16.02.2018 made in Cr.M.P.No.440 of 2018 on the file of the learned Principal Session Judge, Pudukkottai and to set aside the same and enlarge the appellant on bail in connection with Crime No.658 of 2017 on the file of the Respondent police.

For Appellant : Mr.M.Karunanithi

For Respondents 1 & 2 : Mrs.S.Bharathi,

Government Advocate (Crl.side)

JUDGMENT

On the complaint lodged by one Kaliammal, the second respondent police have registered a case in Crime No.658 of 2017 on 16.12.2017 under Sections 341, 294(b) and 302 of the Indian Penal Code r/w 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 against the appellant and 2 others. The appellant, who is A2, was arrested on 22.12.2017 and was remanded to custody. The appellant filed Crl.M.P.No.440 of 2018 before the Principal Sessions Court, Pudukkottai and the same has been



dismissed on 16.02.2018, aggrieved by which, the appellant has filed the present appeal.

2. Heard the learned counsel for the appellant and the learned Government Advocate (Criminal side) for the respondents 1 and 2.

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3. It is the case of the *defacto* complainant that the deceased Viji @ Vijay is her son and he is an Auto-rickshaw driver. It is her further case that A1 is also an Auto-rickshaw driver and that A1 Appu had certain issues with her son regarding picking up of passengers. While so, it is alleged that A1 to A3 attacked the deceased on 15.12.2017 around 11.00 a.m. It is the specific case of the *defacto* complainant he saw A1 attacking the deceased with a deadly weapon Aruval and as regards the overtacts attributed to the appellant, it is alleged that he attacked the deceased and caused injury on the eye-brow after the deceased had fallen.

4. The learned Government Advocate (Criminal side) submitted that there are previous cases as against A1 but there is no previous case against the appellant. She would further submit that the appellant has been detained as 'Goonda' under the provisions of the Tamil Nadu Act 15 of 1982.

5. Taking into consideration the period of incarceration, the overtact attributed to the appellant and the fact that there is no previous case against the appellant, this Court is inclined to grant bail to the appellant.

6. In fine, the Criminal Appeal is allowed and the Appellant/Accused No.2 is ordered to be released on bail, subject to the following conditions:

- (i) the appellant / accused No.2 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Pudukkottai;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Principal Sessions Judge, Pudukkottai may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellant / accused No.2 shall stay at Madurai and appear before the Inspector of Police, Tallakulam Police Station every day at 10.30 a.m. and 5.00 p.m., for a period of three months and thereafter, as and where required by the respondent police for interrogation.
- (iv) the appellant / accused No.2 shall not enter



Pudukkottai District for a period of three months from the date of his release, in terms of Section 10 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989;

- (v) the appellant / accused No.2 shall not tamper with evidence or witness either during investigation or trial.
- (vi) the appellant / accused No.2 shall not abscond either during investigation or trial.
- (vii) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant / accused No.2 in accordance with law as if the conditions have been imposed and the appellant / accused No. 2 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(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Sessions Judge,
Pudukkottai.
2. The Deputy Superintendent of Police,
Pudukkottai Sub Division,
Pudukkottai.
3. The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai.
4. The Superintendent,
Central Prison,
Trichy.
5. The Inspector of Police,
Tallakulam Police Station,
Madurai.



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

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+ 1 cc TO Mr.M.Karunanithi , Advocate in SR No. 56148

sj

AE/RSK/SAR4/21.03.2018/4P/8C

Judgment made in
Cr1.A.(MD)No.102 of 2018
19.03.2018