



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.A.(MD) No.138 of 2018

WEB COPY

Satheesh

... Appellant / Accused No.1

vs.

1.State rep. by
The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.

2.State rep. by
The Inspector of Police
Madagupatty Police Station
In Cr.No.50 of 2018,
Sivagangai District

... Respondents 1 & 2/Complainant

3.Muniyandi. ... 3rd Respondent/Defacto Complainant

PRAYER: Criminal Appeal filed under Section 14-A(2) of SC/ST (POA) Act, 1989 and Amended by Act 1/2016, praying to call for the entire records relating to order dated 16.03.2018 in Crl.M.P.No.639 of 2018 on the file of the learned Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai and set aside the same as arbitrary and consequently to release the petitioner on bail in connection with Crime No.50 of 2018 on the file of the 2nd Respondent Police.

For Appellant : Mr.R.Srinivasan

For Respondents 1 & 2 : Mrs.S.Bharathi
Government Advocate (Crl.Side)

ORDER

On the complaint lodged by one Muniyandi, the respondent Police registered a case in Crime No.50 of 2018, on 08.03.2018, under Sections 147, 294(b), 323, 506(ii) I.P.C. r/w Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act, 2015 against four named accused and three unnamed accused.

2. During the course of investigation, the police arrested Appellant/Accused No.1 on 09.03.2018 and he was remanded to custody. This appellant filed Cr.M.P.No.639 of 2018 for bail, which has been dismissed by the Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai, aggrieved by which, the appellant is before this Court with this Appeal.

3. Heard Mr..R.Srinivasan, learned counsel appearing for the appellant and Mrs.S.Bharathi, learned Government Advocate (Criminal Side) for the respondent - Police.



4. On a reading of the F.I.R., it has been alleged by the complainant that he was tying his cow near the village temple and at that time the accused came there and questioned him and assaulted him.

WEB COPY

5. Learned Government Advocate (Criminal side) submitted that the defacto complainant has been discharged from the hospital and there is no previous case against the appellant.

6. Taking into consideration, the nature of the allegation in the complaint and the fact that the accused has been in incarceration since 09.03.2018, this Court is of the view that this is a fit case in which bail can be granted to the appellant.

7. In the result, the Criminal Appeal is allowed and 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, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai and on further conditions that:

- (i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (ii) the appellant shall appear before the 2nd respondent police daily at 6.30 p.m., for a period of two weeks and thereafter, he shall appear as and when required.
- (iii) the appellant shall not tamper with evidence or witness either during investigation or trial.
- (iv) the appellant shall not abscond either during investigation or trial.
- (v) On breach of any of the aforesaid conditions, the learned Trial Judge 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 Trial Judge 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/

Sub Assistant Registrar

To:

1. The Sessions Judge,

Special Court for Exclusive Trial of cases under SC/ST (POA) Act,

1989, Sivagangai.



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

3.The Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.

4.The Inspector of Police
Madagupatty Police Station
Sivagangai District.

5.The Officer in Charge,
Sub Jail,
Sivagangai.

+1cc to Mr.R.Srinivasan, Advocate, SR.No. 57792

Cr1.A. (MD) No.138 of 2018
26.03.2018

SJ
KK/SKN RSK/26.03.2018/SAR-1/3P-7C