



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.A.(MD) Nos.140 and 141 of 2018

1.Praveen Kumar

2.Arivukkarasu

...Appellants/Petitioners/Accused Nos.3 and 4
in Crl.A.(MD) No.140 of 2018

Reeganraj

...Appellant/Accused No.5
in Crl.A(MD) No.141 of 2018

vs.

1.State rep. by

Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.

2.The Inspector of Police

Sivagangai Town Police Station
Sivagangai District.

(In Crime No.134 of 2018)

... Respondents 1 & 2 / Complainant
in both Appeals

3.P.Sethuraman

... 3rd Respondent/Defacto complainant
in both Appeals

COMMON PRAYER: Criminal Appeals filed under Section 14-A(2) of SC/ST (POA) Act, 1989, praying to call for the records and set aside the order passed by the Sessions Judge, Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai in Cr.M.P.Nos.638 and 637 of 2018 respectively on 16.03.2018 and enlarge the Appellants on Bail.

For Appellants in Crl.A. :
(MD) No.140 of 2018

Mr.S.Karthick Subramanian

For Appellant in Crl.A. :
(MD) No.141 of 2018

Mr.V.R.G.Mohan

For Respondents 1 & 2 :
in both Appeals

Mrs.S.Bharathi
Government Advocate (Crl.Side)

COMMON ORDER

On the complaint lodged by one Sethuraman, the respondent Police registered a case in Crime No.134 of 2018, on 15.01.2018, for the offences under Sections 147, 148, 294(b), 447, 323, 506(2) I.P.C. and Sections 3(1)(r) and 3(1)(s) of SC/ST (POA) Amendment Act 2015, against Chandrappan and four others.

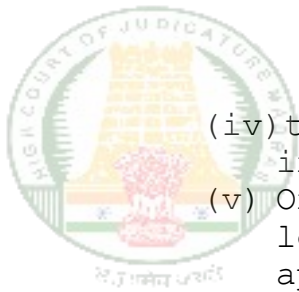
2. During the course of investigation, the police arrested Accused Nos.3 and 4 on 10.03.2018 and Accused No.5 was arrested on 09.03.2018 and they were remanded to custody. Accused Nos.3 and 4 filed Crl.M.P.No.638 of 2018 and Accused No.5 filed Crl.M.P.No.637 of 2018 before the Special Court for bail and the bail applications have been dismissed by the said Court by order dated 16.03.2018, aggrieved by which they are before this Court.

3. Heard Mr.S.Karthick Subramanian and Mr.V.R.G. Mohan, learned counsel appearing for the appellants and Mrs.S.Bharathi, learned Government Advocate (Criminal Side) for the respondent - Police.

4. On a reading of the first information report, it is seen that the de facto complainant was an Ex. President of Pillur Panchayat and it is alleged that the accused gathered near his house and called him by his caste name and attempted to attack him. However, the de facto complainant did not sustain any injury. There is no previous case against the appellants. Further, the appellant in Crl.A.(MD) No.141 of 2018 is in incarceration from 09.03.2018 and the appellants in Crl.A.(MD) No.140 of 2018 are in incarceration from 10.03.2018. In such view of the matter, this Court is of the view that this is a fit case in which bail can be granted to the appellants.

5. In the result, these Criminal Appeals are allowed and the appellants are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) each 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 appellants/A3 & A4 in Crl.A.(MD) No.140 of 2018 shall appear before the 2nd respondent police daily at 6.30 p.m., for a period of two weeks and thereafter, they shall appear as and when required and the appellant/A5 in Crl.A.(MD) No.141 of 2018 shall appear as and when required.
- (iii) the appellants shall not tamper with evidence or witness either during investigation or trial.



(iv) the appellants 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 appellants in accordance with law as if the conditions have been imposed and the appellants 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 (Crl.Side)

/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 Judicial Magistrate No.I, Sivagangai.
3. Deputy Superintendent of Police,
Sivagangai,
Sivagangai District.
4. The Inspector of Police
Sivagangai Town Police Station
Sivagangai District.
5. The Officer Incharge,
Sub Jail, Sivagangai.
6. The Officer Incharge,
Borstal School, Melur.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.S.Karthick Subramanian, Advocate, SR.No. 57145

+1CC to Mr.V.R.G.Mohan, Advocate, SR.No. 57040

Crl.A.(MD) Nos.140 and 141 of 2018

sj

AM/SKN RSK/SAR 1/22.03.2018/3P/10C

<https://hcservices.ecourts.gov.in/hcservices/>