



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.A.(MD)No.33 of 2018

1.Selvan
2.Lakshmanan
3.Kaliappan

: Appellants/Accused Nos.2,3 &6

Vs.

1.The Deputy Superintendent of Police,
Theni, Theni District.

2.State rep. by its
The Inspector of Police,
Palanichettipatti Police Station,
Theni District,
(Crime No.801 of 2017).

: Respondents/Complainants.

3.Sugatha

: Respondent/Defacto Complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order passed in Cr.M.P.No.217 of 2018, dated 12.01.2018 by the learned Principal Sessions Judge, Theni and to enlarge the appellants on bail in Crime No.801 of 2017 on the file of the respondent police.

For Appellants : Mr.A.Uthayakumar
For Respondents 1&2 : Mr.C.Mayil Vahana Rajendran,
Additional Public Prosecutor

JUDGMENT

On the complaint lodged by one Sugatha, the respondent police registered a case in Crime No.801 of 2017 for the offences under Sections 147, 294(b), 506(1) IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003 and 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 against Selvan (A-1), Selvan (A-2), Lakshmanan (A-3), Muthuramalingam (A-4) and Saranganarayanan (A-5) and two others. These appellants were arrested on 22.11.2017 and they filed bail



application in Cr.M.P.No.217 of 2018 before the learned Principal Sessions Judge, Theni, which was dismissed on 12.01.2018, aggrieved by which, this appeal has been filed.

2. Heard the learned counsel for the appellants and the learned Additional Public Prosecutor for the respondents 1 and 2.

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3. On a reading of the First Information Report, it is alleged that the family of the defacto complainant had borrowed Rs.2,00,000/- (Rupees Two Lakhs only) from Surulirajan (A-1) and that Surulirajan (A-1) was demanding exorbitant interest. Though the husband of the defacto complainant had paid substantial amounts, yet, Surulirajan (A-1) and the other accused were giving credit to the amounts paid only towards the interest and not towards the principal. While so, it is alleged that, on 19.11.2017, all the accused came to the house of the defacto complainant and started demanding money. They abused the defacto complainant and her husband and criminally intimidated them. Fearing them, the defacto complainant and her family consumed poison and attempted to commit suicide. By the intervention of the neighbours, their lives were saved.

4. The learned Additional Public Prosecutor submitted that the defacto complainant and her family members have been discharged from the hospital.

5. The learned counsel for the appellants submitted that Surulirajan (A-1) filed a direction petition in CrI.O.P.(MD) No.1677 of 2017, in which, this Court had granted the usual directions directing him to surrender before the Trial Court and for consideration of his bail application. This does not mean that Surulirajan (A-1) has been granted anticipatory bail by this Court. The Trial Court can accept or reject the surrender and remand him to custody.

6. However, taking into consideration the fact that the appellants are in incarceration from 22.11.2017 and that the defacto complainant and her family members have been discharged from the hospital, this Court is of the view that it will be, in the interest of justice, if bail is granted to the appellants, however, subject to certain conditions.

7. In fine, the Criminal Appeal is allowed and the Appellants/Accused Nos.2,3 and 6 are ordered to be released on bail, subject to the following conditions:

- (i) each of the appellants / accused Nos.2,3 and 6 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 to furnish a like sum to the satisfaction of the learned Principal District and Sessions Judge, Theni District;



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- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Principal District and Sessions Judge, Theni District may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellants / accused Nos.2,3 and 6 shall stay at Tirunelveli and sign before the Palayamkottai Police Station twice a day daily at 10:30 a.m., in the morning and 05:30 p.m., in the evening for a period of four weeks and thereafter, as and when required by the respondent police for interrogation.
- (iv) the appellants / accused Nos.2,3 and 6 shall not tamper with evidence or witness either during investigation or trial.
- (v) the appellants / accused Nos.2,3 and 6 shall not abscond either during investigation or trial.
- (vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellants / accused Nos.2,3 and 6 in accordance with law as if the conditions have been imposed and the appellants / accused Nos.2,3 and 6 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(T&P)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Principal District and Sessions Judge, Theni.
 - 2.The Deputy Superintendent of Police, Theni, Theni District.
 - 3.The Inspector of Police, Palanichettipatti Police Station, Theni District.
 - 4 The Inspector of Police, Palayamkottai Police Station, Palayamkottai.
 5. The Officer in charge, Sub Jail, Periyakulam, Theni District.
 - 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1CC to Mr.A.Uthayakumar, Advocate, SR.No. 890

Judgment made in
Crl.A.(MD)No.33 of 2018

Dated:-

18.01.2018