



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.A.(MD)No.45 of 2018

1.Pushpam

2.Rajathi

: Appellants/Accused No.1 & 2

Vs.

State represented through
The Inspector of Police,
Elayankudi Police Station,
Sivagangai District.
Crime No.17 of 2018

: Respondent / Complainant

PRAYER: Criminal Appeal is filed under Section 14-A(2) the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to call for the records relating to the order dated 29.01.2018 made in Cr.M.P.No.211 of 2018 on the file of the Court of the Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai and set aside the same and allow this Criminal Appeal by enlarging the appellants 1 and 2 on bail.

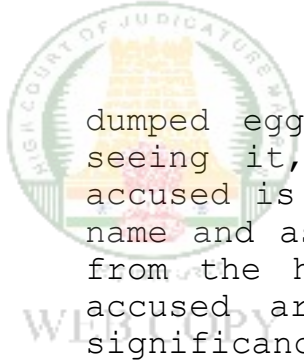
For Appellants : Mr.T.Antony Arul Raj
For Respondent : Mr.C.MayilVahana Rajendran
Additional Public Prosecutor

JUDGMENT

On the complaint lodged by Indhra, the respondent police have registered a case in Crime No.17 of 2018, on 21.01.2018, under Sections 294(b), 323, 324 IPC and Sections 3 (1)(r), 3(1)(S) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, against Pushpam and Rajathi. They were arrested on 21.01.2018 and their bail application in Cr.M.P.No.211 of 2018 has been dismissed by the Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai, on 29.01.2018, aggrieved by which, they preferred the present appeal.

2. Heard Mr.T.Antony Arul Raj, learned counsel appearing for the appellants and Mr.C.MayilVahana Rajendran, learned Additional Public Prosecutor appearing for the respondent.

3. On a reading of FIR, it is alleged that the accused are neighbors of the defacto-complainant; that there has been a land dispute between the family of the accused and the family of the defacto-complainant; that on 21.01.2018, the defacto-complainant



dumped egg waste in the disputed land and that the accused, on seeing it, quarreled with the defacto-complainant, in which the accused is said to have abused the defacto-complainant by her caste name and assaulted her. The defacto-complainant has been discharged from the hospital and has not suffered any serious injury. The accused are women folk and they have not used any weapon of significance.

4. Taking into consideration the facts and circumstances of the case, this Court is of the view that this is a fit case to grant bail to the appellants, however, subject to certain conditions.

5. In fine, the Criminal Appeal is allowed and the Appellants/Accused Nos.1 and 2 are ordered to be released on bail, subject to the following conditions:

- (i) each of the appellants / accused Nos.1 and 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 Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai,;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellants / accused Nos.1 and 2 shall sign before the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai, daily at 10:30 a.m., for a period of two weeks and thereafter, as and when required by the respondent police for interrogation.
- (iv) the appellants / accused Nos.1 and 2 shall not tamper with evidence or witness either during investigation or trial.
- (v) the appellants / accused Nos.1 and 2 shall not abscond either during investigation or trial.
- (vi) On breach of any of the aforesaid conditions, the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai, is entitled to take appropriate action against the appellants / accused Nos.1 and 2 in accordance with law as if the conditions have been imposed and the appellants / accused Nos.1 and 2 released on bail by the learned learned Sessions Judge,



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Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Sivagangai, 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(CS-I)

/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 Inspector of Police,
Elayankudi Police Station,
Sivagangai District.

3. The Superintendent,
Central Prison, Madurai.

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

+1CC to Mr.T.Antony Arul Raj, Advocate, SR.No. 2030

Judgment made in
Crl.A.(MD)No.45 of 2018
06.02.2018

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AM/SV MMS/SAR 3/07.02.2018/3P/6C