



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CrI.A.(MD)No.47 of 2018

Ilangovan : Appellant/ Accused No.1

Vs.

State through:-

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

2.The Inspector of Police,
Periyakulam Police Station,
Theni District.
(Crime No.24 of 2018)

3.Prabu : Respondents/ 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 in Cr.M.P.No.286 of 2018 dated 25.01.2018 made on the file of the learned Principal District Judge (PCR Act Cases), Theni and set aside the same and grant bail to the appellant by allowing this Criminal Appeal.

For Appellant : Mr.M.Subash Babu

For Respondents 1&2 : Mr.C.MayilVahana Rajendran
Additional Public Prosecutor

JUDGMENT

On the complaint lodged by Prabu, the respondent police have registered a case in Crime No.24 of 2018 on 15.01.2018 under Sections 147, 148, 294(b), 324, 506(ii) IPC, Section 3(1) of TNPPDL Act and Sections 3(1)(r), 3(1)(s), 3(2) (va) (POA) Amendment Act 2015, against Ilangovan and 15 others. The petitioner (Ilangovan) was arrested by the police on 16.01.2018 and his bail application in Cr.M.P.No.286 of 2018, has been dismissed by the learned Principal Sessions Judge, Theni, on 25.01.2018, aggrieved by which, this appeal has been preferred.



2. Heard Mr.M.Subash Babu, learned counsel appearing for the appellant and Mr.C.MayilVahana Rajendran, learned Additional Public Prosecutor appearing for the first and second respondents.

3. On a reading of the First Information Report in Crime No.24 of 2018, it is alleged by the defacto-complainant that when he was carrying goats in his auto, the petitioner and his friends indiscriminately assaulted him. However, it is seen that on the complaint given by one Siva Prakash, the respondent police registered a case in Crime No.25 of 2018 on 16.01.2018 under Sections 147, 148, 294(b), 336, 506(2) IPC and Section 3 of the TN Public Property (Prevention of Damage & Loss) Act, 1992 against Prabhu and 20 others. On a reading of the First Information Report in Crime No.25 of 2018, it is alleged that Prabhu (defacto-complainant in Crime No.24 of 2018) and his group were indiscriminately attacking passers-by and were causing damage to vehicles. That apart, on the complaint lodged by one Virumandi (brother of the petitioner herein), the respondent police have registered a case in Crime No.26 of 2018 on 16.01.2018 under Sections 147, 148, 324, 336, 294(b), 427, 506(2) IPC against Prabhu and 22 others, in which also, the defacto-complainant therein was attacked. Thus, the present case appears to be a clash between two groups.

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

5. In fine, the Criminal Appeal is allowed and the Appellant / Accused No.1 is ordered to be released on bail, subject to the following conditions:

(i) the appellant / accused No.1 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, Theni,;

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the the learned Principal Sessions Judge, Theni, may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(iii) On release, the appellant / accused No.1 shall sign before the learned Principal Sessions Judge, Theni, daily at 10:30 a.m., for a period of two weeks and thereafter, as and when required by the respondent police for interrogation.

