



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.A.(MD) No.56 of 2018

Karthik Ragul

... Appellant / A3

vs

State rep.by
The Inspector of Police
Rayappanpatti Police Station
Theni District
(Cr.No.14 of 2018)

... Respondent / Complainant

PRAYER: Criminal appeal filed under Section 14-A(2) of SC/ST (POA) Act, 1989, to set aside the order passed in Cr.M.P.No.302 of 2018, on the file of the learned Principal Sessions Judge, Theni and enlarge the appellant on bail in Cr.No.14 of 2018, pending investigation on the file of the respondent Police.

For Appellant :Mr.A.K.Manickam

For Respondent : Mrs.S.Bharathi
Government Advocate (Crl.Side)

O R D E R

On the complaint lodged by one Kannan, the respondent Police registered a case in Crime No.14 of 2018, on 15.01.2018, for the offences under Sections 147, 294(b), 323 I.P.C., and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Amendment Act 2015, against Mohan and six others.

2. The case of the *de facto* complainant is that on 15.01.2018, around 06.00 p.m., when he passing through a Tea Shop of one Renuka, the accused called him by his caste name and assaulted him. The appellant herein was arrested by the Police on 16.01.2018. His bail application in Cr.M.P.No.302 of 2018 has been dismissed by the Special Court for SC/ST Act Cases, Theni, on 25.01.2018. Aggrieved by the same, the appellant has preferred the present appeal.

3. Heard Mr.A.K.Manickam, 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 first information report, it is seen that the *de facto* complainant was assaulted by hands and no weapon has been used. The *de facto* complainant has also been discharged from the Hospital. There is no previous case against the appellant. Further, the appellant is in incarceration from 16.01.2018. 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 appellant.

5. 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 Principal Sessions Judge, Theni 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 Trial Court daily at 10.30 a.m., for a period of four 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(CS-III)

/True copy/

Sub Assistant Registrar

To:

1.The Principal Sessions Judge,
Theni.

2.The Superintendent of Prison,
Sub Jail,
Uthamapalayam.



3. The Inspector of Police,
Rayappanpatti Police Station,
Theni District.

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

+1cc to Mr.A.K.MANICKAM, Advocate, SR. 1964

KRK

KK/SV MMS/SAR 4/06.02.2018/ 3P- 6C/

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