



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Crl.A. (MD) No.60 of 2018

Dhanabai

: Appellant/Petitioner

Vs.

1.State,

rep. by the Inspector of Police,
Natchiyarkoil Police Station,
Thanjavur District.

(Crime No.19 of 2018).

: Respondent/Complainant

2.Pitchai

: Respondent/Defacto Complainant

PRAYER: Criminal Appeal is filed under Section 14A(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989, as amended by Act 1 of 2016, to call for the records pertaining to the order dated 02.02.2018 made in Crl.M.P.No.205 of 2018 on the file of the learned First Additional District and Sessions Judge (PCR), Thanjavur and to set aside the same and enlarge the appellant on bail in connection with Crime No.19 of 2018 on the file of the respondent police by allowing this Criminal Appeal.

For Appellant

: Mr.D.Rameshkumar

For Respondent No.1

: Mrs.S.Bharathi,

Government Advocate (Crl.side)

JUDGMENT

On the complaint lodged by one Pitchai, the first respondent police have registered a case in Crime No.19 of 2018 on 15.01.2018 under Sections 147, 148, 294(b), 324, 365, 307 of the Indian Penal Code, 3(1)(r), 3(1)(s) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 against Raj (A-1), Veeraiyan (A-2) and 20 others. This appellant was arrested on 16.01.2018 and was remanded to custody. This appellant filed Crl.M.P.No.205 of 2018 before the Special Court for bail and the same has been dismissed on 02.02.2018, aggrieved by which, the appellant has filed the present appeal.

2. Heard the learned counsel for the appellant and the learned Government Advocate (Criminal side) for the first respondent.

3. On a reading of the First Information Report, it appears that on 12.01.2018 the defacto complainant's son Vijay and his two friends went by a motorcycle to the Market and dashed on Raj (A-1), on account of which, a quarrel ensued. Though the quarrel was amicably settled, it is alleged that on 14.01.2018, Raj (A-1) and 20 others intercepted Vijay and abused him by his caste name and



assaulted him. Vijay suffered bleeding injuries and was admitted in the Hospital. Since he was not conscious, on the complaint lodged by his father Pitchai, the First Information Report has been registered for the offences as stated above.

4. The learned Government Advocate (Criminal side) submitted that A-1 and A-2 have been arrested and Vijay has been discharged from the Hospital on 27.01.2018.

5. Taking into consideration the above said facts, this Court is of the view that this is a fit case to grant bail to the appellant.

6. In fine, the Criminal Appeal is allowed and the Appellant/Accused No.3 is ordered to be released on bail, subject to the following conditions:

- (i) the appellant / accused No.3 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 First Additional District and Sessions Judge (PCR), Thanjavur;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned First Additional District and Sessions Judge (PCR), Thanjavur may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellant / accused No.3 shall stay at Madurai and sign before the Special Court for SC/ST Act Cases, Madurai every day at 10:30 a.m., for a period of two months and thereafter, as and when required by the respondent police for interrogation.
- (iv) the appellant / accused No.3 shall not enter Thanjavur District for a period of two months from the date of his release, in terms of Section 10 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989;
- (v) the appellant / accused No.3 shall not tamper with evidence or witness either during investigation or trial.
- (vi) the appellant / accused No.3 shall not abscond either during investigation or trial.
- (vii) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant / accused No.3 in accordance with law as if the conditions have been imposed and the appellant / accused No.3 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].

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Sd/-
Assistant Registrar(C.O)

Sub-Assistant Registrar

To

1.The First Additional District and Sessions Judge (PCR),
Thanjavur.

2.The Inspector of Police,
Natchiyarkoil Police Station,
Thanjavur District.

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

4.The Special Court for SC/ST Act, Madurai

5.The Superintendent , Central Prison, Trichy

+One cc to Mr.D.Ramesh Kumar, Advocate, SR.No.46828

SML

RL/7C/3P/SV/SAR2/9/2/2018

Judgment made in
Crl.A.(MD)No.60 of 2018

Dated:-
07.02.2018