



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.A.(MD)No.61 of 2018

1.Raj @ Dinesh Kumar

2.Appu @ Veeraiyan

: Appellants/A1 and A2

Vs.

1.The State represented by,
The Deputy Superintendent of Police,
Thiruvidadaimaruthur,
Thanjavur District.

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

(Crime No.19 of 2018).

: Respondents 1 & 2/Complainants

3.Pitchai

: 3rd Respondent/Defacto Complainant

PRAYER: Criminal Appeal is filed under Section 14A(2) of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order passed by the I Additional District & Sessions Court (PCR), Thanjavur, Thanjavur District in Crl.M.P.No.240 of 2018 dated 02.02.2018 and to enlarge the appellants on bail in Crime No.19 of 2018 on the file of the Inspector of Police, Natchiyarkovil Police Station, Thanjavur District.

For Appellants : Mr.V.Perumal

For Respondents 1 & 2 : Mrs.S.Bharathi,
Government Advocate (Crl.side)

JUDGMENT

On the complaint lodged by one Pitchai, the second respondent police have registered a case in Crime No.19 of 2018 on 15.01.2018 under Sections 147, 148, 324, 365 and 307 of the Indian Penal Code r/w 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 against the appellants and 20 others. These appellants were arrested on 16.01.2018 and were remanded to custody. These appellants filed Crl.M.P.No.240 of 2018 before the Special Court for bail and the same has been dismissed on 02.02.2018, aggrieved by which, the appellants have filed the present appeal.



2. Heard the learned counsel for the appellants and the learned Government Advocate (Criminal side) for the respondents 1 and 2.

3. It is the case of the defacto complainant that on 12.01.2018 his son Vijay and his two friends had gone by their motorcycle to the Market and had slipped and fell on the first appellant, on account of which, a quarrel ensued. Though the quarrel was amicably settled on the same day, on 14.01.2018, when Vijay went to the market 20 persons intercepted Vijay and abused him by his caste name and assaulted him. Once again this quarrel was also amicably settled. But after Vijay went home, he started bleeding through nose. Therefore, he was taken to Thanjavur Government Hospital, there it was found that he suffered hemorrhage in the skull, for which, he was given treatment and has been discharged from Hospital.

4. The learned Government Advocate (Criminal side) submitted that Vijay has been discharged from the Hospital on 27.01.2018, however, the police have to apprehend 9 other persons involved in the attack.

5. It is seen that this Court has granted bail to Dhanapal in CrI.A.(MD) No.60 of 2018 on 07.02.2018. Learned Government Advocate (Criminal side) also submits that there is no previous case against the petitioners. In such view of the matter, this Court is inclined to grant bail to the appellants.

6. 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) the appellants / accused Nos.1 & 2 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 appellants / accused Nos.1 & 2 shall stay at Chennai and appear before the Inspector of Police, Tambaram Police Station every day at 7:00 p.m., for a period of two months and thereafter, as and when required by the respondent police for interrogation.
- (iv) the appellants / accused Nos.1 & 2 shall not enter Thanjavur District for a period of two months from the date of their release, in terms



of Section 10 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989;

- (v) the appellants / accused Nos.1 & 2 shall not tamper with evidence or witness either during investigation or trial.
- (vi) the appellants / accused Nos.1 & 2 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 appellants / accused Nos.1 & 2 in accordance with law as if the conditions have been imposed and the appellants / accused Nos.1 & 2 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(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The First Additional District and Sessions Judge (PCR),
Thanjavur.
- 2.The Deputy Superintendent of Police,
Thiruvidaimaruthur,
Thanjavur District.
- 3.The Inspector of Police,
Natchiyarkoil Police Station,
Thanjavur District.
- 4.The Inspector of Police,
Tambaram Police Station,
Tambaram.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.V.Perumal, Advocate SR.No. 51203

Judgment made in
Crl.A.(MD)No.61 of 2018
Dated:-
26.02.2018

SJ

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CM/SV-MMS/SAR 4/26.02.2018/3P/7C