



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date: 24.04.2018

CORAM:

THE HONOURABLE MRS. JUSTICE R. THARANI

Cr1.A.(MD)No.172 of 2018

Irulappan

... Appellant

Vs.

1.State represented through
The Deputy Superintendent of Police,
D.S.P.Office,
Manamadurai Sub Division,
Sivagangai District.

2.The Inspector of Police,
Thiruppachethi Police Station,
Thiruppachethi,
Sivagangai District.

3.Manikandan

... Respondents

PRAYER: Criminal Appeal is filed under Section 14-A(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, to set aside the order passed in Cr.M.P.No.776 of 2018 dated 09.04.2018 on the file of the learned Sessions Judge for Special Court for Exclusive Trial of Cases under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Sivagangai and to enlarge the appellant on bail in connection with Crime No.30 of 2018.

For Appellant : Mr.R.Karunanidhi
For Respondents 1&2 : Mr.K.Suyambu Linga Bharathi,
Government Advocate (Cr1. Side)

JUDGMENT

Heard Mr.R.Karunanidhi, learned counsel appearing for the appellant, Mr.K.Suyambu Linga Bharathi, Government Advocate (Cr1. Side) learned counsel appearing for the respondents 1 and 2.

2.This petition has been filed against the order passed by the learned Sessions Judge for Special Court for Exclusive Trial of Cases under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Sivagangai dated 09.04.2018 in Cr1.M.P.No.776 of 2018 .

<https://hcservices.ecourts.gov.in/hcservices/>

3.The allegation against the appellant is that the appellant



abused the defacto complainant by using his caste name and assaulted him with Aruval and caused injury.

4. On the side of the appellant, it is stated that the appellant was arrested on 02.04.2018 and he is in custody for the past 23 days, and that there is no overt act against the petitioner and pray for release of the petitioner on bail.

5. On the side of the respondent, it is stated that there are totally ten accused viz., three named accused and seven unnamed accused for the offences under Sections 147, 148, 294(b), 324, 506 (2) IPC and Sections 3(1)(r), 3(1)(s) of Scheduled Caste/Scheduled Tribes (Prevention Of Atrocities) Act, 2015. Further it is stated that there is a motive between the petitioner and the other co-accused, the accused attacked the defacto complainant and his family members with aruval and one of the victim viz., the father of the defacto complainant was discharged from the hospital on 11.04.2018 and the defacto complainant was discharged from the hospital on 08.02.2018 and one more victim absconded from the hospital.

6. Records perused. Considering the offence committed by the appellant and considering the fact that the victims were discharged from the hospital, this Court inclined to release the appellant/accused No.2 on bail.

7. In fine, the Criminal Appeal is allowed and the Appellant is ordered to be released on bail, subject to the following conditions:

- (i) appellant 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 for Special Court for Exclusive Trial of Cases under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Sivagangai;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge for Special Court for Exclusive Trial of Cases under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, Sivagangai, may obtain a copy of his Aadhar Card or Bank Pass Book to ensure his identity.
- (iii) On release, the appellant shall stay at Sivagangai and sign before the Thiruppachethi Police Station once a day daily at 10:30 a.m., in the morning for a period of four weeks and thereafter, as and when required by the respondent police for interrogation.



(iv) the appellant shall not tamper with evidence or witness either during investigation or trial.

(v) the appellant shall not abscond either during investigation or trial.

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(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court 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 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-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Sessions Judge for Special Court
for Exclusive Trial of Cases under
the Scheduled Caste and Scheduled Tribes
(Prevention of Atrocities) Act, Sivagangai.
 - 2.The Deputy Superintendent of Police,
D.S.P.Office,
Manamadurai Sub Division,
Sivagangai District.
 - 3.The Inspector of Police,
Thiruppachethi Police Station,
Thiruppachethi,
Sivagangai District.
 4. The Superintendent,
Central Jail, Madurai.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1CC to Mr.R.Karunanidhi, Advocate, SR.No. 7036

CrI.A. (MD) No.172 of 2018
24.04.2018