



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATE : 09.05.2018

CORAM:
THE HONOURABLE MRS. JUSTICE R. THARANI

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Cr1.A.(MD)No.231 of 2018

1.Chinnappu
2.Subramanian
3.Krishnan@Muralikrishnan ... Appellants/Petitioners/
Accused Nos.5 to 7

Vs.

State rep. By,
The Inspector of Police,
Sipcot Police Station,
Sivagangai District. ... Respondent/Respondent/Complainant
(Crime No.48/2018)

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 made in Cr.M.P.No.974 of 2018 dated 04.05.2018 on the file of the Sessions Court, Special Court for Exclusive Trial of Cases Under SC/ST(POA) Act, 1989, Sivagangai and set aside the same and enlarge the appellants on bail.

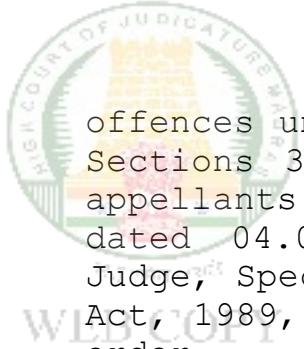
For Appellants : Mr.R.Ilayaraja
For Respondent : Mr.K.Suyambu Linga Bharathi,
Government Advocate (Cr1. Side)

JUDGMENT

Heard Mr.R.Ilayaraja, learned counsel appearing for the appellants and Mr.K.Suyambu Linga Bharathi, learned Government Advocate (Cr1. Side) appearing for the respondent.

2.This appeal has been filed against the order passed made in Cr.M.P.No.974 of 2018 dated 04.05.2018 on the file of the learned Sessions Judge, Special Court of Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai and set aside the same and enlarge the appellants on bail.

3.The alleged offence against the appellants is that on 30.04.2018, the appellants and other accused in this case waylaid the defacto complainant and abused him in filthy language. Further, the accused persons assaulted the defacto complainant with sticks and stones, in which, the defacto complainant sustained injury. Hence, the case was registered against the appellants and other accused in Crime No. 48 of 2018 for the



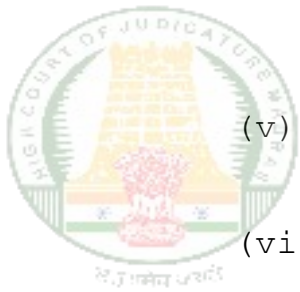
offences under Sections 147, 148, 294(b), 324, 506(ii) I.P.C., and Sections 3(1)(r), 3(1)(s) of SC/ST(POA) Amendment Act, 2015. The appellants filed a petition for bail in Cr.M.P.No.974 of 2018, dated 04.05.2018 which was dismissed by the learned Sessions Judge, Special Court of Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai. This appeal was filed against the aforesaid order.

4. On the side of the appellants, it is stated that during the time of occurrence, A1 to A4 only assaulted the defacto complainant, due to which, the defacto complainant got simple injury. He further stated that A1 is the son of the first petitioner, A3 is the son of the second petitioner and A4 is the son of the third petitioner. Therefore, the appellants herein have been unnecessarily implicated in this case. The appellants are not aware of the case and they were arrested on 01.05.2018.

5. On the side of the respondent, it is stated that totally seven accused were involved in the occurrence, in which, the appellants are A5, A6 and A7 respectively. He further stated that during the time of occurrence, the victim suffered simple injury and now she has been discharged from the hospital.

6. Considering the facts and circumstances and also considering the fact that the injured has been discharged from the hospital and that the appellants are in judicial custody from 01.05.2018, the Criminal Appeal is allowed and the Appellants are ordered to be released on bail, subject to the following conditions:

- (i) the appellants shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Sessions Judge, Special Court of Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Sessions Judge, Special Court of Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellants shall sign before the respondent police daily at 10:30 a.m., until further orders;
- (iv) the appellants shall not tamper with evidence or witness either during investigation or trial.



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

(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellants in accordance with law as if the conditions have been imposed and the appellants 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(RTI)/
Vacation Officer

/True copy/

Sub Assistant Registrar

To

- 1.The Sessions Judge,
Special Court of Exclusive Trial of Cases under SC/ST (POA) Act,
Sivagangai
- 2.The Inspector of Police,
Sipcot Police Station,
Sivagangai District.
- 3.The Superintendent, Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.ILAYARAJA, Advocate, SR.No. 8236

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MSA/AAV
KK/SV MMS/10.05.2018/SAR-1/3P-6C