



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 09.05.2018

CORAM:

THE HONOURABLE MRS. JUSTICE R. THARANI

WEB COPY

Crl.A.(MD)No.233 of 2018

Balamurugan

... Appellant/Sole Accused

Vs.

State Rep.by
The Inspector of Police
Varusanadu Police Station
Theni District.
(Crime No.125/2018)

... Respondent/Complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1989 as amended by Act 1/2016, to call for the entire records relating to the order dated 04.05.2018 made in Cr.M.P.No.13 of 2018 on the file of the learned Principal District and Sessions Judge (PCR), Theni and to set aside the same and enlarge the appellant on bail.

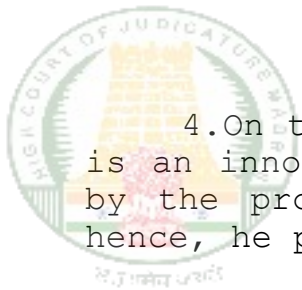
For Appellant	: Mr.G.Karuppasamy Pandiyan
For Respondent	: Mr.K.Suyambu Linga Bharathi, Government Advocate (Crl. Side)

JUDGMENT

Heard Mr.G.Karuppasamy Pandian, learned counsel appearing for the appellant and Mr.K.Suyambu Linga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondent.

2.This appeal has been filed against the order passed made in Cr.M.P.No.13 of 2018 on the file of the learned Principal District and Sessions Judge (PCR), Theni and set aside the same and enlarge the appellant on bail.

3.The alleged offence against the appellant is that when the defacto complainant participated in the temple festival, the appellant herein came along with his cattle in a negligent manner. When the same was questioned by the defacto complainant, the appellant picked up wordy quarrel and threatened her by abusing her caste name. Hence, the case was registered against the appellant in Crime No.125 of 2018 for the offences under Sections 289, 294(b), 506(i) and Section 3(1)(r), 3(1)(s) and Section 3(2)(Va) of SC/ST Act. The appellant filed a petition for bail in Cr.M.P.No.13 of 2018, dated 04.05.2018 which was dismissed by the learned Principal District and Sessions Judge (PCR), Theni. This appeal was filed against the aforesaid order.



4. On the side of the appellant, it is stated that the appellant is an innocent person, he has not committed any offence as alleged by the prosecution. The appellant was arrested on 30.04.2018 and hence, he prays for grant of bail to the appellant.

5. On the side of the respondent, it is stated that injured 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 also that the appellant is in judicial custody from 30.04.2018, the Criminal Appeal is allowed and the Appellant is ordered to be released on bail, subject to the following conditions:

- (i) the appellant 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 Principal District and Sessions Court, Theni.
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Principal District and Sessions Judge, Theni may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellant shall sign before the respondent police daily at 10:30 a.m., until further orders;
- (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.
- (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/-
Vacation Officer (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge,
Theni.



2.The Inspector of Police,
Varusanadu Police Station,
Theni District.

3.The Officer Incharge, Sub Jail, Periyakulam.

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

+1cc to M/S.G.Karuppasamy Pandiyan, Advocate SR.No. 65186

Crl.A.(MD)No.233 of 2018
09.05.2018

msa/aav
JM/SV MMS/SAR 1/10.05.2018/3P/6C