



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2018

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THE HONOURABLE MRS. JUSTICE R.THARANI

Cr1.A.(MD)No.251 of 2018

1.Inthukumar

2.Kalidoss

... Appellants / Accused No.2 & 3

Vs.

1.The Deputy Superintendent of Police,
Mudhukulathur,
Ramanathapuram District.

2.The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.
(Crime No.42 of 2018)

... Respondents/Complainants

3.Karthick

... 3rd Respondent/Defacto Complainant

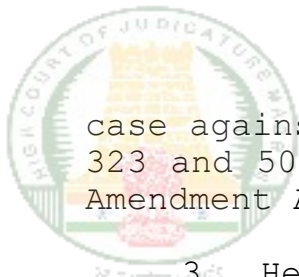
Prayer : This appeal is filed under Section 14 A (2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1/2016, to call for the records pertaining to the order dated 16.05.2018 in Cr1.M.P.No.930 of 2018 on the file of Principal District and Sessions Judge (Vacation Court), Ramanathapuram and to set aside the same and enlarge the appellant on bail in connection with Crime No.42 of 2018, on the file of the second respondent police.

For Appellant	: Mr.S.Muniyandi
For RR1 & 2	: Mr.K.Suymbulinga Bharathi
	Government Advocate (Cr1.Side)
For R3	: No appearance

JUDGMENT

This appeal has been filed against the dismissal order passed by the learned Principal District and Sessions Judge (Vacation Court), Ramanathapuram in Cr1.M.P.No.930 of 2018, dated 16.05.2018.

2. The case of the prosecution is that the occurrence took place on 05.05.2018 at about 11.00 hours while the defacto complainant was talking with his relatives. The appellants came to the spot and they used filthy language and they insulted the defacto complainant by uttering his caste name and they attacked him with dire consequences. Therefore, the respondent police registered a



case against the appellants for the offences under Sections 294 (b), 323 and 506(i) of IPC and Sections 3(1)(r), 3(1)(s) of SC/ST (POA) Amendment Act, 2015 in Crime No. 42 of 2018.

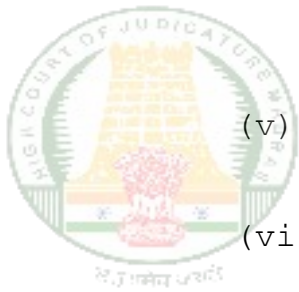
3. Heard Mr.S.Muniyandi, learned counsel appearing for the appellants and Mr.K.Suyambulinga Bharathi, learned counsel appearing for the respondents 1 and 2.

4. On the side of the appellants, it is stated that the appellants were arrested on 05.05.2018 and they are in judicial custody for the past 45 days. He has further submitted that the injuries sustained by the defacto complainant is very simple and he was discharged from the hospital. Hence, the appellants prayed to release on bail.

5. On the side of the respondents, it is stated that the injured was discharged from the hospital and the allegations is that the appellants had attacked to the injured with stick and hands. There is no serious objections on the side of the respondents.

6. In such circumstances, 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, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Principal District and Sessions Judge (Vacation Court), Ramanathapuram;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Principal District and Sessions Judge (Vacation Court), Ramanathapuram may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellants shall stay at Ramanathapuram and sign before the Keelathooval 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 and as and when required by the Court and on all hearing dates.
- (iv) the appellants shall not tamper with evidence or witness either during investigation or during trial.



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

/True Copy/

Sub Assistant Registrar

To

1.The Principal District and Sessions Judge,
Ramanathapuram.

2.The Deputy Superintendent of Police,
Mudhukulathur,
Ramanathapuram District.

3.The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.
(Crime No.42 of 2018)

4.The Superintendent, Sub Jail, Mudhukulathur.

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

+1cc to M/S.S.Muniyandi, Advocate SR.No. 10827

Cr1.A.(MD)No.251 of 2018
20.06.2018

sjj

JM/SKN RSK/SAR 4/20.06.2018/3P/7C