



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.07.2018

CORAM:

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THE HONOURABLE MRS. JUSTICE R. THARANI
CrI.A.(MD)No.281 of 2018

Praveenkumar ... Appellant/ Petitioner/Sole Accused
Vs.

1.The Deputy Superintendent of Police,
Periyakulam, Theni District.

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

(Crime No.212 of 2018) ... Respondents/Complainants

3.Palanimani ... 3rd Respondent/
Defacto complainant

PRAYER: Criminal Appeal is filed under Section 14(A)(2) of the Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to call for the records pertaining to the order dated 18.06.2018 in Cr.M.P.No.1520 of 2018 on the file of Principal Sessions Judge, Theni and to set aside the same and enlarge the appellant in connection with Crime No.212 of 2018 on the file of the second respondent police.

For Appellant	: Mr.S.Sivaprakash
For R- 1 and R-2	: Mr.M.Chandra Sekaran Additional Public Prosecutor

For R-3	:Mr.G.Pandi
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JUDGMENT

Heard Mr.S.Sivaprakash, learned counsel appearing for the appellant, Mr.M.Chandra Sekaran, learned Additional Public Prosecutor appearing for the respondents 1 and 2 and Mr.G.Pandi, learned counsel appearing for the third respondent.

2.This appeal has been filed against the order passed in Cr.M.P.No.1520 of 2018, dated 18.06.2018, on the file of the learned Principal Sessions Judge, Theni and enlarge the appellant on bail.

3.The case of the prosecution is that on 10.06.2018, the appellant abused the defacto complainant using filthy language and with hands and hence, a case was registered against the appellant in Crime No.212 of 2018 under Sections 294(b), 323, 324 of IPC and Section 4 of TNPWH Act and Section 3(1) (r), 3(1)



(s) and 3(2) (va) of SC/ST (POA) Act.

4. On the side of the appellant, it is stated that the appellant was the sole accused, he is in custody from 11.06.2018 and he has moved a bail application before the learned Principal Sessions Judge, Theni in Cr.M.P.No.1520 of 2018 and the same was dismissed on 18.06.2018. It is further stated that the appellant and the defacto complainant are neighbours and he has been falsely implicated in this case, due to wordy quarrel, a case has been filed and there is no injury caused to the defacto complainant and hence, the appellant prays to be released on bail.

5. On the side of the private respondent/third respondent, it is stated that due to some misunderstanding, the occurrence has happened and with the advice of the villagers, the matter is likely to be settled.

6. On the side of the prosecution, it is stated that the appellant has committed an offence, the investigation is pending, but fairly admitted that the complainant took treatment only as an out patient and prayed the appeal may be dismissed.

7. Considering the facts that the appellant is in custody from 11.06.2018 and considering the nature of injury and also considering that there is a proposal for settlement, this Court is of the view that this is a fit case to set aside the order in Crl.M.P.No.1520 of 2018, on the file of the learned Principal Sessions Judge, Theni. Accordingly, the Criminal Appeal is allowed the order passed in Crl.M.P.No.1520 of 2018 on the file of the learned Principal Sessions Judge, Theni, dated 18.06.2018, is set aside and the appellant/sole accused is ordered to be released on bail on his executing 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 Principal Sessions Judge, Theni and on further condition that:

(i) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(ii) On release, the appellant shall report before the respondent Police at 10:30 a.m., in the morning and 05:30 p.m., in the evening for a period of four weeks and thereafter, as and when required by the respondent police for interrogation.

<https://hcservices.ecourts.gov.in/hcservices/> the appellant shall not tamper with evidence or witness either during investigation or trial.



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

(v) 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-II)

/True copy/

Sub Assistant Registrar

To

1.The Principal Sessions Judge,Theni.

2.The Deputy Superintendent of Police,
Periyakulam, Theni District.

3.The Inspector of Police,
Devathanapatti Police Station,
Theni District.

4.The Superintendent,
Sub-Jail,
Periyakulam,
Theni District.

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

+1cc to Mr.S.SIVAPRAKASH, Advocate, SR.No. 71146

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04.07.2018

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KK/VR/SAR-3/06.07.2018/3P-7C/