



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 31.10.2018
CORAM:
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrI.A.(MD)No.487 of 2018

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Selvam .. Appellant/ Accused No.3
Versus
1.The Deputy Superintendant of Police,
Theni, Theni District.
2.The Inspector of Police,
Allinagaram Police Station,
Theni District.
(In Crime No.343 of 2018)
3.Veeramalalai ..3rd Respondent/De facto Complainant
4.Muthaiah
5.Ayyammal
6.Chellammal ...Respondent Nos.4 to 6 / Injured

Prayer: Criminal Appeal filed under Sections 14 A(2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016, to set aside the order in Cr.M.P.No.3044 of 2018, dated 24.10.2018, on the file of the Principal District Judge, Theni (PCR Act Cases) and grant bail to the appellant by allowing this Criminal Appeal.

For Appellant : Mr.C.Susi Kumar

For R1 & R2 : Mr.A.Robinson,
Government Advocate.
(CrI., side)

JUDGMENT

Heard Mr.C.Susi Kumar, learned counsel appearing for the appellant and Mr.A.Robinson, learned Government Advocate (Criminal side) appearing for the respondents 1 and 2.

2. The appellant seeks bail for the offences under Sections 147, 148, 294(b), 323, 324 and 506(ii) I.P.C and Sections 3 (1) (r), 3 (1) (s), 3 (2) (va) of SC/ST (Prevention of Atrocities) Amendment Act 2015.

3. The de-facto complainant is one Veeramalai. According to the complaint, when he was walking in the main road near M.G.Godown at Indira Colony, Chukkuvadanpatti, the appellant herein along with



others had petty quarrel which resulted in assault with hands and stick. It is also alleged in the complaint that the de-facto complainant was abused with filthy language and using the community name, thereby attracting the offences under Sections 3 (1) (r), 3 (1)(s), 3 (2) (va) of SC/ST Act.

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4. According to the appellant, it is only a counter complaint to dilute the attempt murder committed by the de-facto complainant and his friends in which three persons injured.

5. The learned Government Advocate (Crl. side) would submit that the de-facto complainant is remanded to prison since he is one of the accused in Crime No.344 of 2018 for causing injury to the appellant and others.

6. Considering the facts and circumstances as found through the records which indicates that the de-facto complainant and others alleged to have sustained injury due to the incident said in the complaint registered in Crime No.343 of 2018, have already been discharged from the hospital on 16.10.2018, bail is granted to the appellant, by allowing the Criminal Appeal on the following conditions:

- (i) The appellant shall stay at Dindigul and report before the Dindigul South Police Station (except on the day of hearing), for a period of 30 days at 10:30 a.m. from the date of release;
- (ii) the appellant shall be enlarged on bail, on his executing of a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the Principal District Court, Theni, (PCR Act Cases)
- (iii) the appellant shall attend the trial, without fail;
- (iv) the appellant shall not tamper with the evidence or witness and
- (v) on breach of any of the aforesaid conditions, the learned trial Judge is entitled to take appropriate action, as if the conditions have been imposed and the appellant released on bail by the trial Judge himself as laid down by Hon'ble Supreme Court in P.K.Shaji vs State of Kerala in 2005 AIR SCW 5560.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar (CS-IV)



To

1.The Principal District Judge,
Theni, (PCR Act Cases).

2.The Deputy Superintendant of Police,
Theni, Theni District.

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

4.The Inspector of Police,
Dindigul South Police Station,
Dindigul.

5.The Superintendant,
Central Prison, Madurai.

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

+1CC to Mr.C.Susi Kumar, Advocate, SR.No. 93581

Crl.A.(MD)No.487 of 2018
31.10.2018

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