



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.08.2018

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THE HONOURABLE MRS. JUSTICE R.THARANI

CRL.A.(MD) No.318 of 2018

Jeyachandran@Vingani

... Appellant

Vs.

1.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Puliyangudi, Tirunelveli District.

2.State Represented by
The Inspector of Police,
Puliyangudi Police Station,
Tirunelveli District.

...Respondents/Complainants

3.Raja

... Respondent

Prayer : This Criminal Appeal is filed under Section 14 A(2) of SC/ST (POA) Act, 2015, to call for the records and set aside the order passed in Cr.M.P.No.2116 of 2018 on the file of the II Additional District Sessions Judge(PCR), Tirunelveli in Crime No.224 of 2018 on the file of the second respondent.

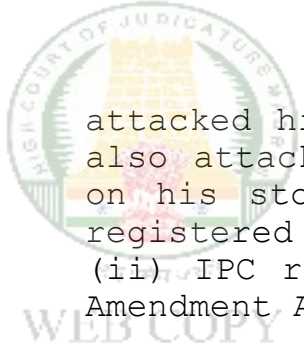
For Appellant : Mr.C.Mayilvahana Rajendran
For Respondents1 and 2 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl. Side)
For 3rd Respondent : Party-in-Person

JUDGMENT

Heard Mr.C.Mayilvahana Rajendran, learned counsel for the appellant, Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. Side) appearing for the respondents 1 and 2.

2.This appeal has been filed to set aside the order dated 10.07.2018 passed in Cr.M.P.No.2116 of 2018 on the file of the learned II Additional District and Sessions Judge (PCR), Tirunelveli.

3.The case of the prosecution is that on 19.06.2018 at about 07.00 p.m., the petitioner scolded the *de facto* complainant in filthy language and humiliated him by using the caste name and



attacked him with aruval and caused injuries on his left wrist and also attacked with the back side of the aruval and caused injuries on his stomach and criminally intimidated him. Hence, a case was registered against the petitioner under Sections 294, 324 and 506 (ii) IPC r/w Sections 3(1)(r), 3(1)(s) and 3(2)(Va) of SC/ST (PoA) Amendment Act 2015.

4. On the side of the petitioner, it is stated that the petitioner is in custody since 22.06.2018 and the victim has already been discharged from the hospital and hence, the appellant prays to be released on bail.

5. On the side of the prosecution, it is submitted that the victim took treatment till 23.06.2018 and was discharged from the hospital and prayed the appeal to be dismissed.

6. On the side of the third respondent, party in person, it is represented that if the appellant is released on bail, he may again attack him and cause further injury.

7. Considering the facts that the appellant is in custody from 22.06.2018 and that the *de facto* complainant was discharged from the hospital on 23.06.2018 itself, this Court is of the view that this is a fit case to set aside the order in Cr.M.P.No.2116 of 2018 on the file of the learned II Additional District and Sessions Judge (PCR), Tirunelveli. Accordingly, the Criminal Appeal is allowed and the order passed in Cr.M.P.No.2116 of 2018 on the file of the II Additional District and Sessions Judge (PCR), Tirunelveli, dated 10.07.2018, 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 Judicial Magistrate, Sivagiri 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 stay at Madurai and report before the Thallakulam Police Station, Madurai, at 10:30 a.m., in the morning and 05:30 p.m., in the evening, until further orders.

(iii) the appellant shall not tamper with evidence or witness either during investigation or trial.

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



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(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 III)

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SUB ASSISTANT REGISTRAR (CS II)

To

1.The II Additional District and Sessions Judge (PCR),
Tirunelveli.

2.The Judicial Magistrate, Sivagiri.

3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Puliyangudi, Tirunelveli District.

4.The Inspector of Police,
Puliyangudi Police Station,
Tirunelveli District.

5.The Superintendent of Prison,
Central Prison, Palayamkottai.

6.The Inspector of Police,
Thallakulam Police Station, Madurai.

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

8.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

1CC TO MR. C. M/s.C.MAYIL VAHANA RAJENDRAN, ADVOCATE SR 14798

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