



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 30.07.2018

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE R. THARANI

Cr1.A.(MD)No.334 of 2018

1.Surya
2.Bhuvaneswaran

.. Appellants/Petitioners/
Accused No.1 and 6

Vs.

1. The Deputy Superintendent of Police,
Sivagangai, Sivagangai District.

2. The State Rep. by its
Inspector of Police,
Sivagangai Town Police Station,
Sivagangai. (Cr.No.406/2018)

... Respondents/Respondents/
Complainant

3.Ajith Kumar

... Respondent/Respondent/
Defacto complainant

PRAYER: Criminal Appeal is filed under Section 14(2) of the Scheduled Caste/Scheduled Tribes Amendment Act 2015, to set aside the order made in Cr.M.P.No.1756 of 2018 on the file of the Sessions Judge (PCR Cases), Sivagangai, dated 19.07.2018 and enlarge the appellant on bail in connection with Crime No.406 of 2018 on the file of the 2nd respondent police.

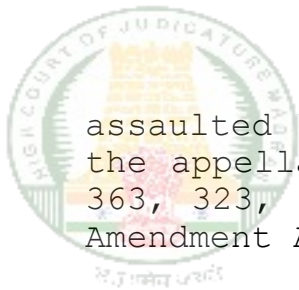
For Appellants	: Mr.J.Jeyakumaran
For Respondents	: Mr.K.Suyambulinga Bharathi Government Advocate

JUDGMENT

Heard Mr.J.Jeyakumaran, learned counsel appearing for the appellant, Mr.K.Suyambulinga Bharathi, learned Government Advocate appearing for the respondents.

2.This appeal has been filed against the order passed in Cr.M.P.No.1756 of 2018, dated 19.07.2018, on the file of the learned Sessions Judge (PCR Cases), Sivagangai and to enlarge the appellant on bail.

3.The case of the prosecution is that on 12.07.2018, the appellant abused the defacto complainant using filthy language and



assaulted him with aruval and hence, a case was registered against the appellant in Crime No.406 of 2018 under Sections 147, 148, 342, 363, 323, 324, 307 IPC and Section 3(1) (r), 3(1)(s) of SC/ST (POA) Amendment Act 2015.

4. On the side of the appellant, it is stated that there was a dispute between the first petitioner and the defacto complainant and the defacto complainant bites the ear of A1's father. It is stated that the petitioners and others assaulted the complainant with this motive. The petitioners are in custody from 13.07.2018 and prays that the petitioners are to be released on bail.

5. On the side of the prosecution, it is stated that a case against the defacto complainant is also registered. The defacto complainant due to fear has not taken any treatment and he opposed to the release of petitioners on bail. R3 who is in custody in some other case is produced before this Court and he has no objection to release the petitioners on bail.

6. Records perused. There is a case and counter case and in this case the complainant has not taken any treatment. The complainant has no objection to release the petitioners on bail. Under such circumstances, this Court is inclined to release the petitioners on bail.

7. Considering the facts that the appellants are in custody from 13.07.2018 and considering the facts and circumstances of the case, this Court is of the view that this is a fit case to set aside the order in CrI.M.P.No.1756 of 2018, on the file of the learned Sessions Judge (PCR Cases), Sivagangai. Accordingly, this Criminal Appeal is allowed. The order passed in CrI.M.P.No.1756 of 2018 on the file of the learned Sessions Judge (PCR Cases), Sivagangai, dated 19.07.2018, is set aside and the appellants are ordered to be released on bail on their executing 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 Sessions Judge (PCR Cases), Sivagangai 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 appellants 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.
- (iii) the appellants shall not tamper with evidence or witness either during investigation or trial.
- (iv) the appellants 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 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

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Sessions Judge (PCR Cases), Sivagangai.
 2. The Sessions Judge Special Court for
Exclusive Trial of cases under SC/ST (POA),
Sivagangai.
 3. The Deputy Superintendent of Police,
Sivagangai District.
 4. The Superintendent, Central Jail,
Madurai.
 5. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
 6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
 7. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)
- + 1 CC TO Mr.J.JEYAKUMARAN, ADVOCATE IN SR No. 76313

TM

TE/SKN-RSK/SAR-2 : 02/08/2018 : 3P/10C

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30.07.2018