



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2018

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Crl.A. (MD) No.344 of 2018

WEB COPY

1) Rajesh

2) Balamurugan

.. Appellants/ Accused 2 & 4

Versus.

The State represented by
Inspector of Police,
Aravayal Police Station,
Sivagangai District,
(Crim No.59 of 2018)

.. Respondent / Complainant

Prayer: Criminal Appeal filed under Section 378 of Criminal Procedure Code r/w section 14-A(2) of SC/ST Act, 1989 to call for the records order in Crl.M.P.No.1888 of 2018 the Special Court for Exclusive Trial of Case under SC/ST(POA) Act 1989, Sivagangai in Crime No.59 of 2018 under Section 147, 294(b), 323 IPC r/w 3(1)(r), 3(1)(s) of SC/ST(POA) Act 2015 on the file of respondent police and set aside the same as illegal and grant bail to appellant in Crime No.59 of 2018 on the file of respondent police.

For Appellants : Mr.D.Balamurugapandi

For Respondent : Mr.A.Robinson,
Government Advocate.
(Crl., side)

For De-facto : Mr.D.Anbarasu
Complainant

J U D G M E N T

This Criminal Appeal has been preferred to call for the records in Crl.M.P.No.1888 of 2018 the Special Court for Exclusive Trial of Case under SC/ST(POA) Act 1989, Sivagangai in Crime No.59 of 2018 under Section 147, 294(b), 323 IPC r/w 3(1)(r), 3(1)(s) of SC/ST(POA) Act 2015 on the file of respondent police and set aside the order passed therein as illegal and grant bail to the appellants in Crime No.59 of 2018 on the file of respondent police.

2. Heard Mr.A.Robinson, learned Government Advocate (Criminal side) appearing for the respondent and Mr.D.Anbarasu, learned counsel appearing for the de-facto complainant, who has filed a detailed counter affidavit along with the typed set of papers.

3. It appears that in respect of celebrating the temple festival, there is a long standing feud between the two communities. A member of one Community has approached this Court by way of filing a Writ Petition seeking for Mandamus to participate in the



celebrations of the temple festival and the writ petition is still pending.

4. While so, the members of the other community has celebrated the festival on 23.07.2018 without the involvement of the other community. After the festival, it appears clash between two groups resulting in case and counter case. The petitioners herein, have sustained injuries and were admitted in the hospital. F.I.R has been registered in Crime No.58 of 2018 on the file of Aravayal Police Station, Sivagangai District for offence u/s 307 IPC etc.

5. The present Crime No.59 of 2018, for which bail is sought for by the petitioners / accused is the counter case given by the de-facto complainant. From the records, this Court finds that, there is a long feud between the two groups. The petitioners/accused have celebrated the temple festival without the involvement of the de-facto complainant community, which has provoked and resulted in attack. The de-facto complainant has obtained anticipatory bail in Crime No.58 of 2018 registered for offence under section 307 IPC and other accused are still at large. While so, the petitioners who were taking treatment for their injuries were arrested and remanded to judicial custody.

6. In the light of the above fact, this Court is inclined to grant bail by allowing the Criminal Appeal on the following conditions:-

- (i) the petitioners/accused shall be enlarged on bail, on executing a bond for Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of Special Court for Exclusive Trial of case under SC/ST (POA) Act 1989, Sivagangai District;
- (ii) the petitioners / accused shall stay at Madurai and report before the Talakulam Police Station, everyday at 10:30 A.M until further orders;
- (iii) the petitioners/accused shall not tamper with investigation or trial and
- (iv) 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 (CO)

/True Copy/

Sub Assistant Registrar(cs-ii)



TO

1.The Special Court for Exclusive
Trial of Case under SC/ST(POA),
Sivagangai .

2.Inspector of Police,
Aravayal Police Station,
Sivagangai District,

3.The Inspector Of Police,
Thallakulam Police Station,
Madurai.

4.The Superintendent of Prison,
Pudukkottai District.

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

+1CC to Mr.D.Balamurugapandi, Advocate in SR.No.78185.

+1CC to Mr.D.Anbarasu Advocate in SR.No.78216.

STS

DS/SKN-RSK/SAR-2 :13.08.2018: 3P/8C

Judgment in
Crl.A.(MD)No.344 of 2018
11.08.2018