



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRIMINAL APPEAL(MD)No.387 of 2018

WEB COPY

Eswaran

: Appellant/ Sole Accused

Vs.

1.The Deputy Superintendent of Police,  
Aundipatti Sub Division,  
Theni District.

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

In Cr.No.219 of 2018.

: Respondents 1 and 2/  
Complainants

3.Nagaraj

: 3<sup>rd</sup> Respondent/ De facto Complainant

PRAYER : Criminal Appeal is filed under Section 14(A)(2) of Scheduled Caste/Scheduled Tribes Act, 1989 as amended by Act 1 of 2016, to call for the records relating to the order in Cr.M.P.No.2271/2018 dated 16.08.2018 on the file of the Principal District Judge, Theni (PCR Act Cases) and set aside the same and grant bail to the appellant by allowing this Criminal Appeal.

For Appellant

: Mr.C.Susi Kumar

For R-1 and R-2

: Mr.A.Robinson,  
Government Advocate (Crl.Side).

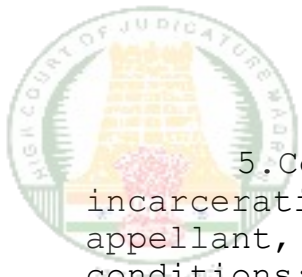
#### JUDGMENT

The criminal appeal is filed against the order dated 16.08.2018 passed in Cr.M.P.No.2271 of 2018 on the file of Principal District Judge (PCR Act Cases), Theni .

2.Heard the learned counsel appearing for the appellant, the learned Government Advocate (Crl.side) appearing for the respondents 1 and 2.

3.The Victim has been informed about the bail petition through the learned Government Advocate (Crl.side).

4.Records perused. The alleged offence against the appellant is that he has abused the de facto complainant with filthy language and called him by caste and also intimidated him. Hence, the case has been registered against the appellant under Sections 294(b), 506 (1) - IPC and 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Amendment Act 2015. The appellant is in jail for the past 20 days.



5. Considering the nature of the complaint and the period of incarceration, this Court is inclined to grant bail to the appellant, by allowing the Criminal Appeal on the following conditions:-

- (i) the appellant/accused shall be enlarged on bail, on his executing a bond for Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of learned Principal District Judge (PCR Act Cases), Theni
- (ii) the appellant/accused shall report before the Investigating Officer as and when required for interrogation;
- (iii) the appellant/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 (P&A)

/True copy/

Sub Assistant Registrar (CS-II)

To

1. The Principal District Judge (PCR Act Cases),  
Theni.
  2. The Deputy Superintendent of Police,  
Aundipatti Sub Division,  
Theni District.
  3. The Inspector of Police,  
Varusanadu Police Station,  
Theni District.
  4. The Superintendent,  
Central Prison,  
Madurai.
  5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
- +1cc to Mr.C.SUSIKUMAR, Advocate, SR.No.81271

CRIMINAL APPEAL (MD) No.387 of 2018  
30.08.2018