



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.A.(MD)No.422 of 2018
and
Crl.M.P.(MD)No7295 of 2018

Rajesh

:Appellant/Petitioner/
Accused No.2

Vs.

The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(crime no.279 of 2018)

:Respondent/Respondent/
Complainant

PRAYER: Criminal Appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, to call for the records in Crl.M.P.No.3288 of 2018 on the file of the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai dated 06.09.2018 and set aside the same as illegal and enlarge the appellant/petitioner/accused on bail in crime no.279 of 2018 on the file of the respondent Police.

For Appellant	: Mr.R.Venkatesan
For Respondent	: Mr.A.Robinson
	Government Advocate (Crl.side)

JUDGMENT

The Criminal Appeal is filed against the order dated 06.09.2018 passed in Crl.M.P.No.3288 of 2018 by the learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai.

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



3. Records perused.

4. Based on the complaint given by One Palaniselvam, who is the son of Poosari, a case has been registered in Crime No.279 of 2018 against the appellant and two others, viz., Bharathi and Chandru, for the offence under Sections 294(b), 324, 323, 506(2) IPC and Sections 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

5. The victim has been informed about the present Criminal Appeal through the learned Government Advocate (Crl.side). A report has been filed by the learned Government Advocate (Crl.side) stating that the defacto complainant was informed about this Criminal Appeal, but he refused to receive the memo and hence, the notice has been affixed on the house of the victim. He would submit that the injured / victim has been discharged from the hospital, after taking treatment for a period of 3 days.

6. The overt-act attributed against the appellant is that the appellant by hand has assaulted the victim and caused simple injury. Investigation almost completed and other co-accused has already been released on bail.

7. In the light of the above facts, 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) with two sureties each for a like sum to the satisfaction of learned Special Court for Exclusive Trial of Cases under SC/ST (POA) Act, 1989, Sivagangai.
- (ii) the appellant/accused shall report before the Investigating Officer until further orders;
- (iii) the appellant/accused shall not tamper with investigation or trial and 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.

8. The appellant has also filed an application to implead the defacto complainant. Under Section 15(A) of SC/ST (POA) Act impleading the victim is not a mandate. Only information through the learned Government Advocate (Crl.side) is mandate. In this case, it is seen from the memo filed by the learned Government



Advocate (Crl.side) that an information has already been passed on to the victim, in compliance with Section 15(A) of the Act. Hence, the implead petition is dismissed as withdrawn.

Sd/-

Assistant Registrar(Crl.Side)

WEB COPY

/TRUE COPY/

Sub Assistant Registrar(CS-I)

To

- 1.The Sessions Judge,
Special Court for Exclusive
Trial of Cases under SC/ST (POA) Act, 1989,
Sivagangai.
 - 2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
 - 4.The Superintendent of Prison,
Central Prison,
Madurai.
- +1. C.C. to M/S.R.Venkatesan, Advocate SR.No. 17465

Crl.A.(MD)No.422 of 2018
12.09.2018

JM/SV/SAR 1/12.09.2018/3P-6C