



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 25.06.2018

CORAM :

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl.A.(MD) No.276 of 2018

Selvam

... Appellant

vs.

1.State rep. By
The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

2.State rep. By
The Inspector of Police,
Thiruppullani Police Station,
In Crime No.70 of 2018,
Ramanathapuram District.

3.Ganesan

... Respondents

Prayer:- Criminal Appeal filed under Section 14-A (2) of Scheduled Castes and Scheduled Tribes (P.A.) Act, 1989 & Amended by Act 1/2016, to call for the entire records relating to order dated 12.06.2018 in Cr.M.P.NO.1059 of 2018 on the file of the learned Principal District and Sessions Judge, Ramanathapuram and set aside the same.

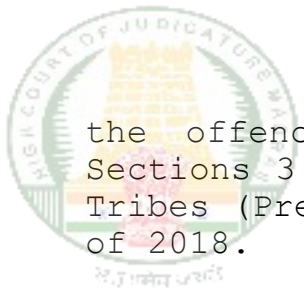
For Appellant : Mr.M.Hassanul Bazari
For Respondents 1 and 2: Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. Side)
For 3rd Respondent : No Appearance

JUDGMENT

Heard Mr.M.Hassanul Bazari, learned counsel for the appellant and 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 12.06.2018 in Cr.M.P.No.1059 of 2018 on the file of the learned Principal District and Sessions Judge, Ramanathapuram.

3.The case of the prosecution is that the occurrence took place on 01.06.2018. The petitioner attacked the defacto complainant and caused injuries to him. Further it is alleged that the petitioner humiliated the defacto complainant using his caste name. Therefore, the respondent police registered a case against the appellant for



the offence under Sections 294(b), 323 and 506(i) of IPC and Sections 3(1)(r), 3(1)(s) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 in Crime No.70 of 2018.

4. On the side of the appellant, it is stated that the appellant was arrested on 01.06.2018 and they are in judicial custody for the past 25 days. He has further submitted that the injuries sustained by the defacto complainant is very simple and he was discharged from the hospital. Hence, the appellant prayed to release on bail.

5. On the side of the respondents, it is stated that the injured was discharged from the hospital and the allegations is that the appellants had attacked the injured with stick and hands. There is no serious objections on the side of the respondents.

6. In such circumstances, the Criminal Appeal is allowed and the Appellant is ordered to be released on bail, subject to the following conditions:

- (i) the appellant shall execute 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 Principal District and Sessions Judge, Ramanathapuram District;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Principal District and Sessions Judge, Ramanathapuram District may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellant shall stay at Ramanathapuram and sign before the Thiruppullani Police Station once a day daily at 10:30 a.m., in the morning for a period of four weeks and thereafter, as and when required by the respondent police for interrogation.
- (iv) the appellant shall not tamper with evidence or witness either during investigation or trial.
- (v) the appellant shall not abscond either during investigation or trial.
- (vi) 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].

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/True Copy/

Sd/-

Assistant Registrar (Crl.Side)

Sub Assistant Registrar

To

- 1.The Principal District and Sessions Judge,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 3.The Superintendent of Prison,
Sub Jail,
Ramanathapuram.
- 4.The Inspector of Police,
Thiruppullani Police Station,
Ramanathapuram District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 6.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.J.Hassanul Bazari Advocate in SR.No.69722.

MRN

DS/RSK/SAR-1 :26.06.2018: 3P/8C

Cr1.A.(MD) No.276 of 2018
25.06.2018