



BEFORE THE MADURAI BENCH OF THE MADRAS HIGH COURT

DATE : 22.10.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CRL. A. (MD) NO. 440 OF 2019

R.Dhayalan

.. Appellant/Petitioner/Accused

- Vs -

1. The Deputy Superintendent of Police
Kuzhithurai Sub Division
Karur District.

2. State, rep. by
The Inspector of Police
Chinthamanipatti Police Station
Karur District. ... 1st & 2nd Respondents/
1 & 2 Respondents/Complainant

3. Kuzhanthaivel ... 3rd Respondent/3rd Respondent/
Defacto Complainant

Criminal Appeal filed u/s 14 A(2) of the SC/ST (PoA) Act, 1989, against the order dated 13.09.2019 made in Cr. M.P. No.1049/2019 on the file of the Principal Sessions Court, Karur, set aside the same and release the appellant on bail.

For Petitioner : Mr. R.Mathiyalagan

For Respondents : Mr. V.Neelakandan, APP for RR-1 & 2

For Respondent No.3: Mr.Kuzhanthaivel, Party-in-Person

JUDGMENT

The appellant was charged for the offences u/s 294 (b), 341, 323, 355, 506(ii) IPC and Section 3 (1) (r), 3 (1) (s) and 3 (2) (va) of the SC/ST (PoA) Act. Pending trial, the appellant herein filed bail application, which, after hearing was dismissed by the trial court against which the present appeal is filed.

2. Learned counsel appearing for the appellants submit that there are infirmities and inconsistencies in the testimony of the prosecution witnesses and the appellant has a bright chance of



succeeding even in the trial and, hence, prays for enlarging the appellants on bail.

3. Per contra, Mr. V. Neelakandan, learned Addl. Public Prosecutor, appearing for respondents 1 & 2 submitted that the trial court, after detailed arguments by both sides, has rejected the application for bail by a well considered order and, therefore, no interference is called for with the said order and this petition is liable to be dismissed.

4. On notice, the defacto complainant/3rd respondent appeared in person and submitted that the appellant should not be enlarged on bail, as the grudge of the appellant against the defacto complainant would render him vulnerable to the attack by the appellant. It is the further submission of the 3rd respondent that not only utterance of caste name against him, but also the physical attack of the appellant on him led to the registration of the case and, therefore, it would be very detrimental to his interest to release the appellant on bail.

5. This Court gave its careful consideration to the submissions on either side and also perused the materials available on record.

6. Though the 3rd respondent/defacto complainant has opposed the grant of bail, however, this Court, considering the submissions advanced by the learned on either side and the fact that the trial of the case would take some time to complete and the further fact that mere apprehension of the defacto complainant would not be sufficient to further make the appellant to suffer incarceration, this Court is inclined to allow the criminal appeal by setting aside the order dated 13.9.2019 made in Cr. M.P. No.1049/2019 passed by the Principal Sessions Judge, Karur, by granting bail to the appellant.

7. Accordingly, this appeal is allowed and the appellant is directed to be enlarged on bail on condition that the appellant executes a bond for a sum of Rs.10,000/- with two sureties, each for a likesum, to the satisfaction of the learned Principal Sessions Judge, Karur, and on further condition that the appellant shall appear before the said Court at 10.30 a.m. on the 1st working day of every week until further orders.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)



To

1. The Principal Sessions Judge
Karur.

2. The Judicial Magistrate No.1, Kuzhithalai.

3. The Officer Incharge, Sub Jail, Kuzhithalai.

4. The Addl. Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1CC TO MR.R.MATHIYALAGAN, Advocate Sr. No. 93687

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TR(23.10.2019) 3P 6C