



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:13.05.2020

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THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

Crl.A(MD)No.162 of 2020

WEB COPY

1.K.Shanmugam

2.S.Karuppaih

: Appellants/Petitioners/A1 & A2

Vs.

1.Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.

2.The Inspector of Police,
R.S Mangalam Police Station,
Ramanathapuram District.
(Crime No.31 of 2020)

: R1 and R2/Complainants

3.Santhi

: 3rd respondent/De-facto
Complainant

Prayer: Criminal Appeal filed under section 14-A(2) of SC/ST (POA) Act, 1989 as amended by Act 1 of 2016 against the order of the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Ramanathapuram, dated 17.02.2020 made in Crl.MP No.198 of 2020.

For Appellants : Mr.C.Muthu Saravanan

For R1 and R2 : Mr.V.Neelakandan
Additional Public Prosecutor

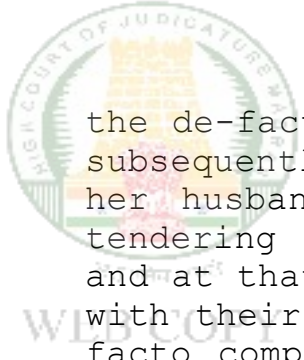
For 3rd Respondent : No appearance

O R D E R

(Thro' V.C)

This criminal appeal is directed against the order of the learned Sessions Judge, Special Court for Exclusive Trial of cases under SC/ST (POA) Act, 1989, Ramanathapuram, dated 17.02.2020 made in Crl.MP No.198 of 2020.

2.The case of the prosecution is that on 10.02.2020, the younger daughter of the 3rd respondent/de-facto complainant has set fire in the garbage and came to the house, which spread over into the agricultural land of the appellants/A1 and A2 and after knowing the fire incident, A1 said to have gone to the house of



the de-facto complainant and abused her with filthy language and subsequently, the 3rd respondent/de-facto complainant along with her husband gone to the house of the appellants/A1 and A2 for tendering apology for the fire accident caused by their daughter and at that time, the all accused persons said to have abused them with their caste name and A1 had assaulted the husband of the de-facto complainant and due to it, he fell down and frothed and he was taken to a hospital in bike and found the deceased dead during transit.

3.The learned counsel appearing for the appellants/A1 and A2 submitted that the appellants/A1 and A2 are innocent persons and they have been falsely implicated in this case and they have nothing to do with the alleged occurrence and that the appellants/A1 and A2 are in jail from 11.02.2020.

4.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that in this case, the investigation is completed and final report is yet to be filed and A3 was granted bail by this court on 15.04.2020 and prays for dismissal of the criminal appeal.

5.Considering the above facts and circumstances of the case and also considering the fact that the appellants/A1 and A2 are in jail since 11.02.2020, this Court is inclined to allow the Criminal Appeal by setting aside the order passed in CrI.MP No.198 of 2020, dated 17.02.2020 by the Sessions Judge, Special Court for exclusive trial of cases under SC/ST (POA) Act, 1989, Ramanathapuram.

6.Accordingly, this Criminal Appeal is **allowed** and the order passed in CrI.MP No.198 of 2020, dated 17.02.2020 by the Sessions Judge, Special Court for exclusive trial of cases under SC/ST (POA) Act, 1989, Ramanathapuram, is set aside. The appellants/A1 and A2 are ordered to be released on bail on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge and on further condition that the **appellants/A1 and A2 shall report before the 2nd respondent police daily at 10.30 am and 05.00 pm until further orders.**

Sd/-

Assistant Registrar(CrI side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To,

1.The Special Judge,
Special Court for exclusive trial of
Cases under SC/ST (POA) Act cases,
Ramanathapuram.

2.Deputy Superintendent of Police,
Thiruvadanai,
Ramanathapuram District.

3.The Inspector of Police,
R.S Mangalam Police Station,
Ramanathapuram District.

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

5.The Sub Jail, Ramanathapuram

COPY TO

The Section Officer,Criminal Records,
Madurai Bench of Madras High Court, Madurai. (2 copies)

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Crl.A(MD)No.162 of 2020
13.05.2020

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