



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 17.09.2020

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THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.279 of 2020

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1.Muthusamy

2.Sundar @ Sundarraaj

.. Appellants/Accused Nos.1 & 2

Vs.

State through :-

1.The Assistant Commissioner of Police,
Palayamkottai,
Tirunelveli District.

2.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.
(Crime No.652 of 2020)

.. Respondent Nos.1 & 2/
Complainant

3.Dinesh

.. Defacto Complainant/Victim

Prayer : This criminal appeal is filed under Section 14A(2) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amended Act, 2016, to call for the records relating to the order in Crl.M.P.No.1072 of 2020 dated 24.08.2020 on the file of the Second Additional Sessions Court, Tirunelveli (Full in charge) Fourth Additional Sessions Court, Tirunelveli and to set aside the same and to grant bail to the appellant.

For Appellants	: Mr.V.Kannan
For Respondents	: Mrs.Anandha Devi, Government Advocate (Crl. Side)

JUDGMENT

This appeal has been filed to set aside the order in Crl.M.P.No.1072 of 2020 dated 24.08.2020, on the file of the Second Additional Sessions Court, Tirunelveli (Full in charge) Fourth Additional Sessions Court, Tirunelveli and to enlarge the appellants on bail.



2.The case against the appellants is that due to previous enmity, the appellants scolded the defacto complainant in filthy language using his caste name and also attacked him and caused injuries. A case in Crime No.652 of 2020, under Sections 294(b), 343, 307, 506(ii) of IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of SC/ST (POA) Act was registered against the appellants. The appellants filed a petition in Crl.M.P.No.1072 of 2020 for grant of bail before the learned Second Additional Sessions Judge, Tirunelveli (Full in charge) Fourth Additional Sessions Court, Tirunelveli. The learned Judge dismissed the petition. Against which, the appellants have preferred this Criminal Appeal.

3.On the side of the appellants, it is stated that the second appellant is in custody for the past 32 days and that the injured person was already discharged from the hospital. Only the first appellant is alleged to have taken active part in the commission of the offence and prayed the second appellant to be released on bail.

4.On the side of the prosecution, it is stated that the investigation is under progress. The Special Court rightly rejected the bail petition filed by the appellants. The offence against the appellants are grave in nature. If the appellants are released on bail, there is a chance for tampering the witnesses.

5.It is further stated that the third respondent was not available in his house and hence, notice could not be served and he has gone for treatment and prayed the appeal to be dismissed.

6.The learned counsel for the appellant has not pressed the appeal for the first appellant. Hence, the Criminal Appeal is dismissed against the first appellant.

7.It is stated that the third respondent has gone for treatment regarding some other ailment and not for injuries sustained due to the assault. Considering the nature of offence and considering the allegation against the second petitioner and considering the period of incarceration, the Criminal Appeal is partly allowed and the second appellant is ordered to be released on bail, subject to the following conditions:

- (i) the second 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 Special Court for Scheduled caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the learned Judge,

<https://hcservices.ecourts.gov.in/hcservices> Special Court for Trial of Cases Registered



under SC/ST (POA) Act, 2015, Tirunelveli
(Fourth Additional Sessions Court),
Tirunelveli;

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(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court for Scheduled caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the learned Judge may obtain a copy of their valid identity card to ensure their identity.

(iii) On release, the second appellant shall appear before the second respondent daily at 10.00 a.m.

(iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second 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]**.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The II Additional Sessions Judge/
Incharge IV Additional Sessions Judge,
Special Court for Trial under Schedule caste and Scheduled Tribes (Prevention of Atrocities) Act 1989,
Tirunelveli.



2.The Assistant Commissioner of Police,
Palayamkottai,
Tirunelveli District.

3.The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli District.

4.The Jailor, Sub Jail, Nanguneri.

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

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